AJILUnbound

VOL. 108	March 2014-Jul	y 2015
CONTENTS		PAGE
Symposium: Nico Krisch, "The Decay of Consent: International Public Conde"	ational Law in an	
Age of Global Public Goods " Comment on Nico Krisch, "The Decay of Consent: Internation	ational Law in an	
Age of Global Public Goods" Eyal Benvenisti	& George W. Downs	1
From Contract to Status: A Comment on Nico Krisch's Th	Tom Ginsburg	8
Symposium: The Sixty-Fifth Session of the International In The Changing Form of the International Law Commission		
	Jacob Katz Cogan	4
The International Law Commission Reinvents Itself?	_	
	Kristina Daugirdas	79
Symposium: Remedies For Harm Caused By UN Peaceke Remedies for Harm Caused by UN Peacekeepers	epers	
	Bruce Rashkow	10
UN Accountability for Haiti's Cholera Epidemic	_	
Ira Kurzban, Beatrice Lindstrom	, & Shannon Jonsson	17
The United Nations in the Time of Cholera	7 /	22
	José Alvarez	22
Symposium: The End of Treaties?		
Collective Decision-making in International Governance		
	Timothy Meyer	30
Reports of the Death of Treaty Are Premature, but Custom		
Law May Have Outlived Its Usefulness	Joel P. Trachtman	36
Custom and Treaties as Interchangeable Instruments of Na		
THE HARD CO. T. C.	Bart M. J. Szewczyk	41
The Fall and Rise of Peace Treaties	$T \rightarrow I M F$	1 10
In among in a Dislayance of Treating, The Cong felt Ati-	Tanisha M. Fazai	46
<u>Increasing Relevance of Treaties: The Case of the Arctic</u>	Time Vaine	52
An Empirical Look at U.S. Treaty Practice: Some Prelimin	<i>Timo Koivurova</i> nary Conclusions	32

Cindy Galway Buys

57

Treaty Stasis	
The Expansion of International Law Beyond Treaties Brian Israel	63
Humberto Cantú-Rivera	70
The Successes and Challenges for the European Court, Seen from the Outside	
Laurence R. Helfer	74
Agora: Bond v. United States Bond, Clear Statement Requirements, and Political Process	
Curtis A. Bradley	83
Bond v. United States and Congress's Role in Implementing Treaties William S. Dodge	86
The Bond Court's Institutional Truce	00
Monica Hakimi	89
Symposium: "The Idea of Effective International Law"	
The Idea of Effective International Law: Continuing the Discussion	
Vijay Padmanabhan	91
How Compliance Understates Effectiveness Timothy Meyer	93
Varieties of Effectiveness: What Matters?	93
Liam Murphy	99
"Effectivity" in International Law: Self-Empowerment Against Epistemological Claustrophobia Jean d'Aspremont	103
Symposium on the Uniting for Peace Resolution	
"Uniting for Peace': Does it Still Serve Any Useful Purpose?	
Larry D. Johnson	106
He Got It Almost Right Frederic L. Kirgis What Does the Uniting for Peace Resolution Mean for the Pele of the UN	116
What Does the Uniting for Peace Resolution Mean for the Role of the UN Security Council? Ieva Miluna	118
The Legalizing and Legitimizing Function of UN General Assembly	
Resolutions Stefan Talmon	123
Uniting for "Peace" in the Second Cold War: A Response to Larry Johnson Boris N. Mamlyuk	129
Comment on Larry Johnson, "Uniting for Peace"	12)
Henry Richardson	135
Symposium: The True Meaning of Force	
The True Meaning of Force Mary Ellen O'Connell	141
The True Meaning of Force – A Reply to Mary Ellen O'Connell	1 11
Tom Ruys	148
The True Meaning of Force: A Further Response to Tom Ruys in the Interest of Peace Mary Ellen O'Connell	153

Response to Richard Stewart, "Remedying Disregarding Global			
Regulatory Governance" David Zaring	145		
Symposium: Elephant Law			
Introduction to Symposium			
Jacqueline Peel	155		
Aligning Frames for Elephant Extinction: Towards a New Role for the			
<u>United Nations</u> André Nollkaemper	158		
Elephant Poaching and Ivory Trafficking as a Threat to the Peace			
Anne Peters	162		
Delegitimizing Ivory: The Case for an Ivory Trade Ban Treaty	4.6.6		
Rachelle Adams	166		
Symposium: Reflections on Customary International Law and the			
International Law Commission's Project			
<u>Identifying the Rules for Identifying Customary International Law</u>			
Sean D. Murphy	169		
Identifying International Organizations' Contributions to Custom			
David M. DeBartolo	174		
<u>Does Custom Have a Source?</u>	150		
Daniel Bodansky	179		
Identifying Customary International Law: First Thoughts on the ILC's	104		
First Steps Edward T. Swaine The Potential Import on Investment Arbitration of the H.C's World on	184		
The Potential Impact on Investment Arbitration of the ILC's Work on	188		
<u>Customary International Law</u> <i>Jeremy K. Sharpe</i> <u>Some Observations on the Draft Conclusions on Identification of</u>	100		
Customary Law Provisionally Adopted by the ILC's Drafting			
Committee at the Sixty-Sixth Session (2014) Bernard H. Oxman	193		
Identifying the Rules for Identifying Customary International Law: Response	175		
Michael Wood & Omri Sender	196		
Customary International Law: A Moral Judgment-based Account	170		
John Tasioulas	XXX		
Symposium: Recognition of Governments and Customary International Law			
Introduction to Symposium			
James Gathii	199		
From Free Town to Cairo via Kiev: The Unpredictable Road of Democratic			
<u>Legitimacy in Governmental Recognition</u> Erika de Wet	201		
Democratic Legitimacy Between Port-au-Prince and Cairo: A Reply to			
Erika de Wet Jure Vidmar	208		
Whither Democratic Legitimism?: Contextualizing Recent Developments			
in the Recognition and Non-recognition of Governments Brad R. Roth	213		
The Pipe Dream of Constraining Recognition Through Democracy:			
International Lawyers' Regulatory Project Continue Jean d'Aspremont	219		
Democratic Legitimacy and Respect for Human Rights: The New Gold			

Standard Christina M. Cerna	222
Democratic Legitimacy as a Criterion for the Recognition of Governments:	
A Response to Professor Erika de Wet Obiora Chinedu Okafor	228
Democratic Legitimacy as a Criterion for Recognizing a Government:	
Towards the Emergence of a Regional Customary Rule in the Americas?	
A Reply to Professor Erika de Wet Vasiliki Saranti	233
Symposium: Pierre-Hugues Verdier and Erik Voeten, "Precedent,	
Compliance, and Change in Customary International Law: An	
Explanatory Theory"	
Introduction to Symposium	
Ingrid Wuerth	239
How Different are Treaties and Modern Customary International Law?	
A Response to Verdier and Voeten Timothy Meyer	240
Precedent and Custom: A Response to Verdier and Voeten	
Jens David Ohlin	246
The Translation of Common Sense: A Response to Verdier and Voeten	
Alejandro Lorite Escorihuela	250
A Response to Professors Meyer, Ohlin, and Lorite Escorihuela	
Pierre-Hugues Verdier & Erik Voeten	257
Symposium: Janie A. Chuang, "Exploitation Creep and the Unmaking of Hur	nan
Trafficking Law"	
<u>Introduction to Symposium</u>	
The Editors	XXX
Re-Framing Exploitation Creep to Fight Human Trafficking: A	
Response to Janie Chuang Clifford Bob	XXX
"Exploitation Creep" and Development: A Response to Janie Chuang	
Aziza Ahmed	XXX
A Crossroads in the Fight Against Human Trafficking? Let's Take the	
Structural Route: A Response to Janie Chuang Karen E. Bravo	XXX
Anti-Trafficking Law as a Key to Global Economic Contradictions: A	
Response to Janie Chuang Chantal Thomas	XXX
Symposium: WTO EC-Seal Products Case	
Editors' Introduction	
Alexia Herwig & Gregory Shaffer	XXX
The WTO Seal Products Case: Doctrinal and Normative Confusion	
Joel Trachtman	XXX
Measures with Multiple Purposes: Puzzles from EC-Seal Products	
Donald H. Regan	XXX
Accommodating Divergent Policy Objectives under WTO Law:	
Reflections on EC-Seal Products Julia Y. Qin	******
	XXX
Indigenous Interests and the Chapeau of Article XX: Equality of What?	
Indigenous Interests and the Chapeau of Article XX: Equality of What? Alexia Herwig Consensus Analysis, State Practice, and Majoritarian Activism in the	XXX

<u>WTO</u>	William J. Moon & Alec Stone Sweet	XXX		
The WTO, Self-Determination, and Multi-jurisdictional Sovereignty				
	Michael Fakhri	XXX		