American Journal of International Law



BOARD OF EDITORS

Editors in Chief

LORI FISLER DAMROSCH Columbia University School of Law

JOSÉ E. ALVAREZ

Columbia University School of Law

MAHNOUSH H. ARSANJANI

United Nations DAVID J. BEDERMAN

Emory University School of Law

DANIEL BODANSKY

University of Georgia School of Law

JUTTA BRUNNÉE

University of Toronto School of Law

HILARY CHARLESWORTH

Australian National University

STEVE CHARNOVITZ

George Washington Univ. Law School

JAMES R. CRAWFORD University of Cambridge

JOHN R. CROOK
Potomac, Maryland
BENEDICT KINGSBURY

New York University School of Law

DAVID A. MARTIN

University of Virginia School of Law

MICHAEL J. MATHESON

George Washington Univ. Law School

BERNARD H. OXMAN University of Miami School of Law

SEAN D. MURPHY

George Washington Univ. Law School

STEVEN R. RATNER

University of Michigan Law School

DINAH L. SHELTON

George Washington Univ. Law School

BETH A. SIMMONS Harvard University

RICHARD H. STEINBERG

Univ. of California (UCLA) School of Law

JANE E. STROMSETH

Georgetown University Law Center

JOEL P. TRACHTMAN

Fletcher School of Law and Diplomacy

RUTH WEDGWOOD

Johns Hopkins University

J. H. H. WEILER

New York University School of Law

EDITH BROWN WEISS

Georgetown University Law Center

DIANE P. WOOD Chicago, Illinois

ELIZABETH ANDERSEN

ex officio

Honorary Editors

GEORGE H. ALDRICH

The Hague, the Netherlands

RICHARD B. BILDER

University of Wisconsin Law School

CHARLES N. BROWER

The Hague, the Netherlands THOMAS BUERGENTHAL

The Hague, the Netherlands

ANTHONY D'AMATO

Northwestern University School of Law

RICHARD A. FALK

University of California at Santa Barbara

TOM J. FARER

University of Denver

THOMAS M. FRANCK

New York University School of Law

Louis Henkin

Columbia University School of Law

ROSALYN HIGGINS

The Hague, the Netherlands

JOHN H. JACKSON

Georgetown University Law Center

Senior Associate Editor ANNA ASCHER FREDERIC L. KIRGIS

Washington and Lee Univ. School of Law CYNTHIA CRAWFORD LICHTENSTEIN

Boston College Law School

ANDREAS F. LOWENFELD

New York University School of Law

THEODOR MERON

The Hague, the Netherlands

JOHN NORTON MOORE

University of Virginia School of Law

COVEY T. OLIVER

Easton, Maryland

W. MICHAEL REISMAN

Yale Law School

STEPHEN M. SCHWEBEL

Washington, D.C.

ERIC STEIN

University of Michigan Law School

DETLEV F. VAGTS

Harvard Law School

BURNS H. WESTON

University of Iowa College of Law

Associate Editor
STEPHEN SCHER

Managing Editor
CARA M. SMITH

AMARA LEVY-MOORE

Assistant Editors

DOREEN G. YAMAMOTO

ORDERS AND INQUIRIES

Subscriptions, Back Issues, and Cumulative Indexes: The American Journal of International Law (ISSN 0002-9300) is published quarterly, in January, April, July, and October, and is supplied to all members of the American Society of International Law. The annual subscription rate for nonmembers is \$180 (\$220 outside U.S.). Inquiries should be sent to the American Journal of International Law, 2223 Massachusetts Avenue, NW, Washington, DC 20008-2864; fax (202) 797-7133. Annual subscription orders should be sent to P.O. Box 164, Washington, DC 20055-0164. Order forms and other information are available online at http://www.asil.org. Claims for undelivered issues must be made in writing to the Society within three months of the mailing date specified online at http://www.asil.org/claims.htm. Volumes 1 (1907) to date are available from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, NY 14209-1987, USA, toll-free (800) 828-7571. Cumulative indexes are also available from Hein: 1941–1960, 1961–1970, 1971–1980, and 1981–1990.

AJIL is also available in nonprint forms:

- Online, through: Hein Online, a service of William S. Hein & Co., Inc., at http://www.heinonline.org; Mead Data Central, Inc., provider of the LEXIS®/NEXIS® services, P.O. Box 933, Dayton, OH 45401, USA, toll-free (800) 227-9597; and West Publishing Company, provider of WESTLAW®, P.O. Box 64526, St. Paul, MN 55164-0526, USA, toll-free (800) 937-8529.
- On the Web in JSTOR, the archive/database of scholarly journals, either through individual subscriptions by ASIL members only ((202) 939-6000), or through institutional subscriptions (JSTOR, 149 Fifth Avenue, 8th Floor, New York, NY 10010, (212) 358-6400). See http://www.jstor.org for a current list of institutional subscribers.
- On microform, from: William S. Hein & Co., Inc., 1285 Main Street, Buffalo, NY 14209, USA, toll-free (800) 828-7571; and University Microfilms, 300 North Zeeb Road, Dept. P.R., Ann Arbor, MI 48106, USA, toll-free (800) 521-0600; or 30-32 Mortimer Street, Dept. P.R., London WIN 7RA, England.
- On CD-ROM format, from: University Microfilms.

Authorization to photocopy items for internal or personal use (beyond that permitted by sections 107 and 108 of the U.S. Copyright Law), or for the internal or personal use of specific clients, is granted by the American Society of International Law for users registered with the Copyright Clearance Center (CCC) Transactional Reporting Service, provided that the base fee of \$5 per copy, plus 25¢ per page, is paid directly to CCC, 222 Rosewood Drive, Danvers, MA 01923. For organizations that have been granted a photocopy license by CCC, a separate system of payment has been arranged. The fee code for users of the Transactional Reporting Service is: 0002-9300/02 \$5.00+.25. Educational copying is permitted. Please address requests to CCC Academic Permission Service: tel. (978) 750-8400; fax (978) 750-4744.

Advertising: Inquiries should be sent to the External Relations Manager, ASIL, 2223 Massachusetts Avenue, NW, Washington, DC 20008-2864, tel. (202) 939-6000; fax (202) 797-7133.

Periodicals postage paid at Washington, DC, and at additional mailing office. POSTMASTER: Send change of addresses to American Journal of International Law, 2223 Massachusetts Ave., NW, Washington, DC 20008-2864.

AMERICAN JOURNAL OF INTERNATIONAL LAW

The views expressed in the articles, editorial comments, book reviews, and all other contributions to the *AJIL* are those of the individual authors and are not to be taken as representing the views of the Board of Editors or the American Society of International Law.

SUBMISSION OF MANUSCRIPTS

Manuscripts may be sent to the American Journal of International Law, at the American Society of International Law, 2223 Massachusetts Avenue, NW, Washington, DC 20008-2864, USA, or by e-mail to AJIL@ASIL.org. Authors are requested to submit their manuscripts on computer disc or by e-mail attachment. If the manuscript is unavailable in electronic form, four paper copies should be submitted. Manuscripts and discs submitted will not be returned to the author. Please do not submit manuscripts via facsimile. The AJIL will not consider submissions whose content has been, or will be, published before it appears in this Journal.

The AJIL uses both Word and WordPerfect. Please specify the word-processing program used for manuscripts submitted in electronic form.

Book reviews are by invitation: suggestions may be made to the Book Review Office, 2223 Massachusetts Avenue, NW, Washington, DC 20008-2864. **Books for review** should be sent to the same office.

Format and style guidelines: All manuscripts should be double-spaced, with double-spaced footnotes. Our full Author Style Guide is available online at http://www.asil.org/resources/ajilsubmissions.html. Subject to variations noted in that document, the *AJIL* conforms to *The Bluebook: A Uniform System of Citation* (18th ed. 2005) and the *Chicago Manual of Style* (15th ed. 2003). The style guide can also be obtained via e-mail requests to AJIL@ASIL.org. *The Bluebook* can be obtained from the Harvard Law Review Association, Gannett House, 1511 Massachusetts Avenue, Cambridge, MA 02138.

INDEXES CARRYING AJIL

The American Journal of International Law is included in: ABC POL SCI: A Bibliography of Contents: Political Science and Government; Current Law Index; IBR—International Bibliography of Book Reviews of Scholarly Literature; IBZ—International Bibliography of Periodical Literature; Index to Foreign Legal Periodicals; Index to Legal Periodicals; International Political Science Abstracts; Public International Law: A Current Bibliography of Books and Articles; Social Sciences Index.

STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION (Act of August 12, 1970; 39 U.S.C. § 3685)

Filed October 2006, American Journal of International Law (issued quarterly, January, April, July, October), Cadmus Professional Communications, 3575 Hempland Rd., Lancaster, PA 17604-3657. Published by the American Society of International Law, 2223 Massachusetts Avenue, NW, Washington, DC 20008-2864. Editors in Chief, Lori Fisler Damrosch, Columbia University School of Law, 435 West 116th Street, New York, NY 10027, and Bernard H. Oxman, University of Miami School of Law, 1311 Miller Drive, Coral Gables, FL 33146. Owner, The American Society of International Law. Average number of copies per issue, last 12 months: total printed 5400; mail subscriptions, 4918; total paid circulation, 4918; free distribution, 40; total free distribution, 283. For single issue nearest to filing date: total printed, 5400; mail subscriptions, 4918; total paid circulation, 4918; free distribution, 40; total distribution, 283.

Copyright ©2006 by The American Society of International Law. Printed by Cadmus Professional Communications, Lancaster, PA 17604-3657.

AMERICAN JOURNAL OF INTERNATIONAL LAW

VOLUME 100	CONTENTS		2006
	006, pp. 1–289; No. 2, April 2 pp. 525–767; No. 4, October		
			PAGE
Humanitarian Intervention a	and Pretexts for War	Ryan Goodman	107
•		Christine Bell	373
Transformative Military Occ	cupation: Applying the Laws	of War	
and Human Rights		Adam Roberts	580
Centennial Essays			
Editors' Introduction	Lori Fisler Damro	osch and Bernard H. Oxman	1
The "American" and the "In	ternational" in the American J	ournal of	
International Law	-	Ľori Fisler Damrosch	2
Appraising a Century of Sch	olarship in the American Journ	ral of	
International Law		David J. Bederman	20
Power and International Lav	v Richard H. Steinb	erg and Jonathan M. Zasloff	64
	d the Legitimacy of Power: In		
Law in an Age of Power Disequilibrium		Thomas M. Franck	88
Normative Hierarchy in International Law		Dinah Shelton	291
International Organizations: Then and Now José E. A		José E. Alvarez	324
Nongovernmental Organizations and International Law Steve Charnovitz		Steve Charnovitz	348
The Past and Future of the C	Claim of Preemptive Self-Defe		
	W. Michael Re	eisman & Andrea Armstrong	525
	on of War Crimes by Internat		
Tribunals		Theodor Meron	551
	and the American Journal of		
International Law		Detlev F. Vagts	769
The Evolving International I		Thomas Buergenthal	783
	ions: Finding International La	•	000
the Tribunal Chamber	4.0: 0	Steven R. Ratner	808
The Territorial Temptation:	A Siren Song at Sea	Bernard H. Oxman	830
Editorial Comments			
Holding the Center of the La	aw of Armed Conflict	W. Michael Reisman	852
Notes and Comments			
The Emerging Recognition of	of Universal Civil Jurisdiction		
		Donovan and Anthea Roberts	142

Louis B. Sohn (1914–2006) The Costs of International Justice	Thomas Buergenthal David Wippman	623 861	
Correspondence	413, 626, 881		
Current Developments			
Negotiating the UN Declaration on Human Cloning	Mahnoush H. Arsanjani	164	
The Fifty-seventh Session of the International Law Comm	Ü	416	
The 2005 Judicial Activity of the International Court of Judicial Activity		629	
		649	
Congress Enacts Increased Protections for Sunken Militar	•	649	
International Decisions	Edited by Daniel Bodansky	100	
Öcalan v. Turkey (Mirja Trilsch and Alexandra Rüth)		180	
Şahın v. Turkey; "Teacher Headscarf" Case (Cindy Skach))	186	
Von Hannover v. Germany (Nicolas Nohlen)		196	
Civilians Claims (Eritrea v. Ethiopia) (J. Romesh Weerar	nantry)	201 207	
Guatemala Genocide Case (Naomi Roht-Arriaza) The 2005 Activity of the NAFTA Tribunals (John H. Knox)			
Bosphorus Hava Yollari Turizm ve Ticaret Anonim Sirketi		429	
(Frank Hoffmeister)	v. Ircuma	442	
Léon Van Parys NV v. Belgisch Interventie- en Restitutiebu	reau (Patricia Eoli)	449	
Softwood Lumber Dispute (2001–2006) (Chi Carmody)	, em, (1 acriera 2811)	664	
Shamayev & 12 Others v. Georgia & Russia (Maria Gavor	uneli)	674	
Methanex Corp. v. United States (Sanford Gaines)	,	683	
Sanchez-Llamas v. Oregon (Curtis A. Bradley)		882	
Hamdan v. Rumsfeld (Peter J. Spiro)		888	
Mara'abe v. Prime Minister of Israel (Geoffrey R. Watson		895	
Jones v. Ministry of Interior of the Kingdom of Saudi Arabi	ia (Elina Steinerte and		
Rebecca M. M. Wallace)		901	
Case No. 1231 [2003] (Colin P. A. Jones)		908	
Germany v. N (Ilja Baudisch)		911	
Contemporary Practice of the United States Relating to 1			
	Edited by John R. Crook		
U.S. Supreme Court Decides to Hear Consular-Notification as		214 215	
Secretary of State Emphasizes the Rule of Law Internationally and Internally			
Seventh Circuit Allows Suit Seeking Damages for Lack of Con	sular Notification	217	
U.S. Brief Suggests Pope's Immunity as Head of State	CI :	219	
United States Settles World War II–Era Hungarian Gold Train		220	
New U.S. Maritime Security Strategy Includes Legal and Instit		222	
United States Supports New Protocols Directed Against Use o liferation of Weapons of Mass Destruction	1 Ships in Terrorism and Pro-	224	
United States Initiates International Partnership on Avian and	Pandemic Influenza	226	
United States Supports World Information Summit Outcome		227	
United States Supports New UNESCO Instruments on Doping in		22,	
Against New Convention on Cultural Diversity	oponouna on Brootines, votes	229	
United States and European Union Conclude Ad Referendum Open Skies Agreement			
Continuing Controversy Regarding Secret U.S. Rendition and		230 232	
Department of Defense Adopts New Directive on Interrogatio			
Enemy Combatants		236	
Further Development Involving the U.S. Detention Facility at		239 241	
United States and Russia Announce Midpoint of Highly Enriched Uranium Agreement			
U.SHungarian Agreement on Destruction of Small Antiaircra		242	
Commerce Department Acts to Comply with NAFTA Panel Inst	tructions in Softwood Lumber	- 1-	
Case		242	

NAFTA Panel Consolidates Three Softwood Lumber Investment Claims Against United States	243
Brief Notes	244
New U.S. Legislation Prohibits Cruel, Inhuman, or Degrading Treatment, Restricts Habeas	
Corpus Petitions by Guantánamo Detainees, and Establishes Limited Judicial Review of	
Military Commissions	455
United States Extends Agreements with Italy and Nicaragua on Protection of Cultural	///
Patrimony	460
United States Takes Domestic Measures to Implement Hague Adoption Convention	461
Oklahoma Court Addresses Proof of Prejudice for Failure to Provide Consular Access	462
Further Disclosures of "Oil for Food" Abuses; Additional U.S. Criminal Proceedings	463
U.S. Officials Endorse "Responsibility to Protect" Through Security Council Action	463
United States Supports Work on Scientists' Codes of Conduct to Combat Proliferation of	
Biological Weapons	464
United States Announces Global Coalition, Including Nonstate Parties, Against Wildlife	
Trafficking	466
Eight U.S. Great Lakes States, Ontario, and Quebec Conclude New Agreements to Limit	
Diversions of Water from Great Lakes Basin	467
United States and China Announce Joint Initiative to Combat Avian Flu	468
State Department Encourages Congressional Action Required for U.S. Adherence to Major	
Environmental Treaties	470
United States Promotes Debt Relief for Poor Countries	471
United States and China Agree on Textile Quotas	472
Continuing Developments Concerning the U.S. Detention Facility at Guantánamo Bay, Cuba	473
Attorney General Expresses Concern Regarding U.S. Immigration Law Proceedings; Calls for Improvement	476
United States Stresses Importance of Accountability, Seeks Lessened Confrontation over the	1,0
International Criminal Court	477
Additional Military Justice Proceedings Against Soldiers Accused of Abusing Protected Persons	478
Ongoing U.S. Efforts to Curb Iran's Nuclear Program	480
New Agreements Authorizing Overseas Activities by U.S. Forces	485
United States Defends Use of White Phosphorus Munitions in Iraq	487
Brief Notes	487
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	070
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 Guantánamo Bay Detentions; Criticism and Debate Regarding	, 03
U.S. Operations There Continue	706
Releases and Transfers of Uighurs, Saudis, Other Guantánamo Detainees	710
Guantánamo 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 Agree-	, 1 1
ment on Next Steps	715
U.SIndia 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	
United States Tables Draft Treaty to End Production of Plutonium and Highly Enri	
Uranium for Weapons	721
Brief Notes	722
U.S. Supreme Court Finds Military Commissions Created by Presidential Order Unlaw	ful 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 A	gree-
ment are Justiciable, Emphasizing Absence of U.S. Suggestion of Interest	924
Supreme Court Rejects Exclusionary Rule and New Trials as Remedies for Failures of Con	
Notification	926
Eleventh Circuit Dismisses Suit Involving Club Med Resort in Cuba on Act of State Gro	
United Kingdom and California Conclude Agreement on Global Warming	933
U.S. Administration Proposes Legislation to Protect <i>Titanic</i> Wreck Site	934
EC-U.S. Agreement on Sharing Passenger Data Struck Down, Being Renegotiated	935
President Confirms Secret Detentions, Transfers CIA Detainees to Guantánamo Bay	936
Administration and Congress Debate Legislative Responses to Hamdan Ruling	939
New Defense Department and Army Directives on Detainees and Interrogation Techni	
Department of Defense Instruction Regarding Medical Treatment of Detainees	945
United States Presents Periodic Reports to Human Rights Committee, Receives Cr	
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
Brief Notes	958
Recent Books on International Law Edited by Richard B. Bilder 248, 490, 725,	963
International Legal Materials. Contents, Vol. XLV, Nos. 1–5 (2006)	1004
Table of Cases	1005
Index	1007



An Online Subscription Service from Oxford University Press

INTERNATIONAL LAW IN DOMESTIC COURTS

General Editors: **Professor Andre Nollkaemper** and **Professor Erika de Wet** of the University of Amsterdam Centre for International Law.

International Law in Domestic Courts (ILDC) brings you the most important international law issues being decided in domestic courts around the world today. With local legal experts covering over sixty-five countries, this service highlights the full range of international jurisprudence around the globe in a format that makes it easy to pinpoint specific legal issues and to compare how these issues have been dealt with in different jurisdictions. Accurate English translations accompanied by in-depth issue-spotting commentary make this a vital resource for both lawyers in practice and legal scholars in a rapidly evolving field.

- Expert English translations of case law from over 65 countries
- Scholarly commentary highlighting the most salient points of international law
- An archive of cases dating back to 2000
- ▶ Over 150 new cases added each year
- ▶ Twice-monthly updates with new cases
- Easy searching by country, keyword, full text search, date, or ILDC citation
- ▶ Browse by country, key category, or party name

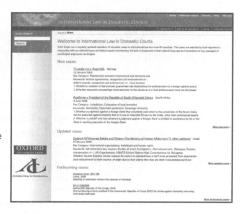
- ▶ Headnote
- ▶ Summary of case facts pertinent to judgment
- ▶ Opinion of the court
- ▶ Analytical commentary by scholarly experts
- Cases cited
- ▶ Expert translations of key passages of every non-English decision

Call Today for your FREE TRIAL

Customers in North and South America
Email: oxfordonline@oup.com • Tel: 1-800-624-0153

Customers outside North and South America

Email: onlineproducts@oup.com
Tel: +44 (0) 1865 353705 • www.oxfordonline.com



- ▶ Immunities
- Individuals and Human Rights
- International Criminal Law
- International Economic Law
- ▶ International Environmental Law
- ▶ International Organizations
- ▶ Investment
- ▶ Jurisdiction
- ▶ Law of Treaties
- ▶ Statehood
- Use of Force and the Law of Armed Conflict
- ▶ and many more...



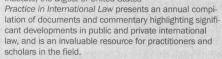
Oxford University Press

NEW AND NOTEWORTHY TITLES

Digest of United States Practice in International Law

Sally J. Cummins, Office of the Legal Adviser, U.S. Department of State

Co-published by Oxford University Press and the International Law Institute, the *Digest of United States*



Each edition includes documents such as treaties, diplomatic notes and correspondence, legal opinion letters, judicial decisions, Senate committee reports and press releases. All of the documents are selected by members of the Legal Adviser's Office of the U.S. Department of State, based on the significance of the issues and their potential relevance to future situations. The Digest provides an insiders view of the key documents shaping international law.

December 2006 / 978-0-93-532898-1 1,280 pages / \$145.00 (cloth)

British Year Book of International Law 2005, Volume 76

Edited by **James Crawford**, Whewell Professor of International Law, Cambridge University

Vaughan Lowe, Chichele Professor of International Law, Oxford University

Now in its 76th year, the *British Year Book of International Law* has become an essential work of reference for academics and practicing lawyers. Through a compilation of articles and extended book reviews, it continues to provide up-to-date analysis on important developments in modern international law. Through its exhaustive coverage of decisions in UK courts and official government statements, the *British Year Book* offers unique insight into the development of state practice in the United Kingdom.

February 2007 / 978-0-19 -920276-8 1,000 pages / \$240.00 (cloth)

Defining Terrorism in International Law

Ben Saul,

Lecturer, Faculty of Law, University of New South Wales

Terrorism has never been defined in international law. This book examines the many failed attempts by the international community and the United Nations to define and criminalize terrorism, including heated debates about 'freedom fighters' and 'State terrorism'. It clearly explains why the international community should define and criminalize terrorism and in doing so, explores the difficult legal, ethical and philosophical questions involved in deciding when political violence is, or is not, permissible.

November 2006 / 978-0-19-929597-5 \$99.00 (cloth)

EU Justice and Home Affairs Law, 2nd ed. Steve Peers.

Professor of Law, University of Essex Centre for European Law

This book examines in detail, EU law on justice and home affairs. It looks at the decision-making and judicial rules which the EU applies in these areas and examines the extensive EU law on visas and border controls, regulation of legal migration, control of illegal migration, criminal law definitions, criminal procedure, and policing and customs.

February 2007 / 978-0-19-929055-0 450 pages / \$140.00 (cloth)



The Structure of Regulatory Competition: Corporations and Public Policies in a Global Economy Dale Murphy,

Assistant Professor, Walsh School of Foreign Service, Georgetown University

In order to understand international economic regulations, it is essential to understand the variation in competing corporations' interests. This book's theoretical findings open a 'black box' in the literature on international political economy and elucidate a source of regulatory differences and similarities. Its counter-intuitive case studies reveal how business and governments interact in the real world.

November 2006 / 978-0-19-921651-2 312 pages / \$60.00 (paper)

PRICES ARE SUBJECT TO CHANGE AND APPLY ONLY IN THE U.S.
TO ORDER, OR FOR MORE INFORMATION, PLEASE CALL 1-866-445-8685
VISIT OUR WEBSITE AT WWW.OUP.COM



Oxford University Press

NEW AND NOTEWORTHY TITLES

Independence of Mind

Timothy Macklem, Professor of Jurisprudence, King's College London

The fundamental freedoms of speech, conscience, privacy, and religion are now an essential part of the fabric of contemporary society,

set down in our most basic laws and regularly invoked in our political and cultural debates. These freedoms play a vital role in securing the spaces and opportunities within which people are able to pursue their own lives in their own ways.

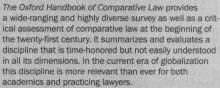
Independence of Mind explores the ways in which the fundamental freedoms help us to achieve something even more profound, by enabling us to arrive at beliefs, convictions and voices of our own, so that we truly come to think, believe and speak for ourselves in the rich and various ways that the freedoms then protect. It offers a penetrating analysis of what makes these particular freedoms matter to us in the ways that they do, and of the true significance of their entrenchment in law.

December 2006 / 978-0-19-920803-6 208 pages / \$65.00

The Oxford Handbook of Comparative Law

Edited by Mathlas Reimann, Hessel E. Yntema, Professor of Law, The University of Michigan Reinhard Zimmermann, Professor of Private Law, Roman Law and

Comparative Legal History, University of Regensburg



December 2006 / 978-0-19-929606-4 \$195.00 (cloth)

The Politics of Crime Control: Essays in Honour of David

Edited by **Tim Newburn**, Professor of Criminology and Social Policy and Director, Mannheim Centre for Criminology, London School of Economics, **Paul Rock**, Professor of Social Institutions, London School of Economics

The volume is produced in honor of Britain's most important criminological scholar - David Downes, of the London School of Economics. This book brings together ten leading British criminologists to explore the contemporary politics of crime and its control. The essays are grouped around the major themes that run through David Downes' work - sociological theory, crime and deviance; comparative penal policy; and, the politics of crime.

November 2006 / 978-0-19-920840-1 344 pages / \$90.00 (cloth)



Senior Lecturer in Law, University of Aberdeen

This book is a comprehensive analysis of the criminal defense of selfdefense from a philosophical, legal and human rights perspective. Although not always recognized as such, self-defense is a contentious defense, permitting the victim of an attack to preserve his or her life at the expense of another. If one holds that all human life is of equal value, explaining why this is permissible poses a challenge. It is particularly difficult to explain why the aggressor is, for reasons of age or insanity, for example, not responsible for her actions.

February 2007 / 978-0-19-928346-0 232 pages / \$90.00 (cloth)



Family Law and Personal Life John Eekelaar,

Academic Director and Emeritus Fellow, Pembroke College, Oxford

How should our most intimate personal relationships be governed in a liberal society? Should the state encourage a particular model of family life, or support individuals in their pursuit of personal happiness? To what extent do people have the right to shape the lives of their offspring? This book examines the questions at the heart of family law, rethinking the ideas that shape our understanding of the family as a social unit, its purpose, and the obligations and rights that belong to family members.

January 2007 / 978-0-19-921382-5 180 pages / \$65.00 (cloth)



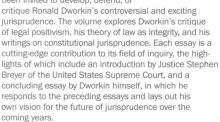
Oxford University Press

NEW AND NOTEWORTHY TITLES

Exploring Law's Empire: The Jurisprudence of Ronald Dworkin

Edited by Scott Hershovitz

Exploring Law's Empire is a collection of essays by leading legal theorists and philosophers who have been invited to develop, defend, or



December 2006 / 978-0-19-927435-2 400 pages / \$95.00 (cloth)



Law and Psychology:

Current Legal Issues, Volume 9 Edited by Belinda Brooks-Gordon, Lecturer in Psychology, Birkbeck College, London, Michael Freeman, Professor of English Law, University College London



Current Legal Issues, is based upon an annual colloquium held at University College London. Each year, leading scholars from around the world gather to discuss the relationship between law and another discipline of thought. Each colloquium examines how the external discipline is conceived in legal thought and argument, how the law is pictured in that discipline, and analyzes points of controversy in the use, and abuse of extra-legal arguments within legal theory and practice.

Law and Psychology, the latest volume in the Current Legal Issues series, contains a broad range of essays by scholars interested in the interactions between law and psychology. The volume includes studies of jury trials in terrorism cases, psychological evidence in family law cases, child witness testimony and the role of psychology in punishment theory.

December 2006 / 978-0-19-921139-5 512 pages / \$145.00

The WTO Agreement on Agriculture: A Commentary Joseph McMahon.

Professor of Commercial Law, School of Law,

University College Dublin

The WTO Agreement on Agriculture subjected agriculture to a set of international rules for the first time in the history of international trade. Ever since its negotiation, the Agreement has been at the forefront of the controversy surrounding the purpose and impact of the WTO itself. This commentary provides a full legal analysis of the obligations imposed by the agreement on WTO members, and of the complex history of the Agreement's negotiation and revision and the controversy surrounding its effect on international

December 2006 / 978-0-19-927568-7 300 pages / \$135.00

The WTO Agreement on Safeguards: A Commentary

Alan O. Sykes, Frank and Bernice Greenberg Professor of Law, University of

Chicag

The protection of troubled industries against import surges, called safeguard measures under WTO law, are controversially justified on the basis of economic concerns. This book reviews the economic literature bearing on the soundness of safeguard policies. It also addresses the complex legal issues relating to the constraints on safeguard measures under WTO law, and affords a thorough discussion and critical analysis of the WTO disputes in the area, including the most recent case involving measures protecting the U.S. steel industry.

November 2006 / 978-0-19-927740-7 456 pages / \$135.00 (cloth)

Regional Trade Agreements and the WTO Legal System

Edited by **Lorand Bartels**, Lecturer in International

Economic Law, London

The proliferation of regional trade agreements, including both free trade agreements and customs unions over the past decade has provoked many new legal issues in WTO law, public international law, and an emerging law of regional trade agreements. This book charts this development from a number of perspectives, including the economic and political underpinnings of regional trade agreements and their constitutional functions.

February 2007 / 978-0-19-920699-5 600 pages / \$185.00 (cloth)

February 2007 / 978-0-19-920700-8 600 pages / \$55.00 (paper)

PRICES ARE SUBJECT TO CHANGE AND APPLY ONLY IN THE U.S.
TO ORDER, OR FOR MORE INFORMATION, PLEASE CALL 1-866-445-8685
VISIT OUR WEBSITE AT WWW.OUP.COM



IMPORTANT ANNOUNCEMENT

We are pleased to announce that as of October 1, 2006 the publishing activities of Transnational have joined the International Law program of Martinus Nijhoff Publishers.

Indigenous Peoples' Land Rights under International Law

From Victims to Actors

Jérémie Gilbert

- November 2006
- Hardcover (349 pp.)
- ISBN 1 57105 369 7
- List price: EUR 115.- / US\$ 115.-

Based on its analysis of indigenous peoples' land rights under international law, this book proposes an original theory as regards the legal status of indigenous peoples. It explores how indigenous peoples have been the victims of the rules governing title to territory since the inception of international law, and how under the current human rights regime, indigenous peoples have now gained the status of actors of international law.

Ocean Yearbook 21

Edited by Aldo Chircop, Scott Coffen-Smout, Moira McConnell

• 2006

- Hardcover (approx. 800 pp.)
- ISBN 1 57105 381 6
- List price: EUR 130.- / US\$ 130.-

"For me, this is the essential and definitive book to understand the complex issue of Marine Scientific Research from a legal point of view."

Aurora Mateos, Lawyer, IOC/ABE-LOS Technical Secretary

"A must read for anyone delving into the Law of the Sea. It provides a comprehensive foundation for the entire subject and has been very helpful to us in assessing the various issues we are forced to face with respect to scientific ocean drilling."

Steven R. Bohlen, President, Joint Oceanographic Institutions.



For our Conditions of Sales please see www.brill.nl

To order and for more information e-mail brill@turpin-distribution.com or cs@brillusa.com (for customers in North America).



Treaties Submitted to the United States Senate

Legislative History, 1989-2004

Christian L. Wiktor. Foreword by Robert E. Dalton

- September 2006
- Hardback (xlii, 478 pp.)
- ISBN-10 90 04 15331 4
- List price EUR 155.- / US\$ 202.-
- ISBN-13 978 9004153 31 8

This legislative history follows the procedures established by the Senate, and it is based on primary legislative sources.

The use of the legislative history is facilitated by appendices and a detailed general index which includes: parties, regional subdivisions, and subjects.

Reforming the United Nations The Struggle for Legitimacy and Effectiveness

Edited by Joachim Müller

- July 2006
- Hardback (xiv, 534 pp.)
- ISBN-10 90 04 15131 1
- List price EUR 135.- / US\$ 182.-
- ISBN-13 978 9004151 31 4
- Reforming the United Nations, Reforming the United Nations, 5

This volume describes the reform process leading to the United Nations Summit in September 2005. A number of recommendations are put forward to facilitate the reform process in the United Nations, realising, however, that this will remain cumbersome and a lengthy step-by-step effort.

The Rules of the International Tribunal for the Law of the Sea: A Commentary

Edited by P. Chandrasekhara Rao and Ph. Gautier

- September 2006
- Hardback (xii, 524 pp.)
- ISBN-10 90 04 15240 7
- List price EUR 145.- / US\$ 196.-
- ISBN-13 978 9004152 40 3

The objective of this Commentary is to give to legal practitioners and academics a detailed analysis of the provisions contained in the Rules. In doing so, the contributors, who are Judges of the Tribunal or members of its Registry, paid particular attention to the practice and the jurisprudence of the Tribunal as well as to the corresponding provisions in the Rules of the International Court of Justice.



For our Conditions of Sales please see www.brill.nl

To order and for more information e-mail brill@turpin-distribution.com or cs@brillusa.com (for customers in North America).



The Humanization of International Law

Theodor Meron

- May 2006
- ISBN-10 90 04 15060 9
- ISBN-13 978 90 04 15060 7
- Hardback (570 pp.)

- ISBN-13 978 90 04 15193 2

Also available in paperback

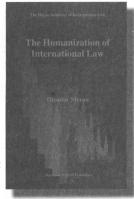
· Paperback (570 pp.)

• ISBN-10 90 04 15193 1

- List price EUR 140.- / US\$ 182.- List price EUR 55.- / US\$ 72.-
- The Hague Academy of International Law Monographs, 3

This work aims to consider the influence of human rights and humanitarian law on general international law: the humanization of

The Humanization of International Law is a revised and expanded version of the General Course on Public International Law delivered by the author at the Hague Academy of International Law in 2003.



British and Canadian Perspectives on International Law

Edited by Christopher P.M. Waters

- September 2006
- ISBN-10 90 04 15381 0
- ISBN-13 978 9004153 81 3
- Hardback (xx, 408 pp.)
- List price EUR 125.- / US\$ 169.-

British and Canadian Perspectives on International Law examines the impact of public international law on the United Kingdom's and Canada's domestic legal systems. It also analyses the contributions of British and Canadian practice to the development of international norms.

State Support for Religious Education Canada versus the United Nations

Anne F. Bayefsky and Arieh Waldman

- October 2006
- Hardback (xiv, 1118 pp.)
- ISBN-10 90 04 14980 5
- List price EUR 450.- / US\$ 585.-
- ISBN-13 978 9004149 80 9
- Studies in Religion, Secular Beliefs and Human Rights, 3

This book is an essential tool for those interested in the vital relationship between international human rights law and domestic policy. It explores this subject in the context of public funding for religious education in Canada, an area of controversy for well over a hundred years.



For our Conditions of Sales please see www.brill.nl

To order and for more information e-mail brill@turpin-distribution.com or cs@brillusa.com (for customers in North America).





A team of experienced librarians and legal research experts is working for you, and you didn't even know it. Better yet, you can call on them 24 hours a day, seven days a week.

The EISIL team has broken down the complicated world of researching international law into 13 broad categories covering 300 international law topics. At **www.eisil.org**, you'll have easy access to:

- Primary source documents such as treaties and agreements.
- Information for cite checking international legal materials for articles, briefs, and working papers.
- The best web sites and other tools for doing further research on an international topic.

Research that used to take days or hours and required an extensive library can now be done in minutes!

Try it. EISIL is fast, easy and FREE. Your team of researchers is waiting.

Check out EISIL today at www.eisil.org



Electronic Information System for International Law

EISIL was developed by the American Society of International Law under a grant from the Andrew W. Mellon Foundation.

INTERNATIONAL LAW:

100 WAYS IT SHAPES OUR LIVES

Many find international law abstract and static. Topics such as war and peace or relationships between countries are considered by some to be not so much questions of law, but of power and influence. Others question the existence of international law.

International Law: 100 Ways It Shapes Our Lives was conceived from the proposition that international law not only exists, but also penetrates more deeply and broadly into everyday life than is generally recognized. Some ways are of relatively recent vintage, while others are long-standing. 100 examples were identified by ASIL members, vetted by a smaller group of experts, and organized into seven chapters: 1) daily life; 2) leisure; 3) travel; 4) commerce 5) health and the environment; 6) personal liberty; 7) public safety and global security.

Join us in demonstrating how international law shapes our lives by

- Visiting 100 Ways at http://www.asil100.org/ways.html;
- Using it in teaching and general civic education programs;
- · Adding ways to the list; and
- Sharing your experiences using International Law: 100 Ways It Shapes Our Lives.

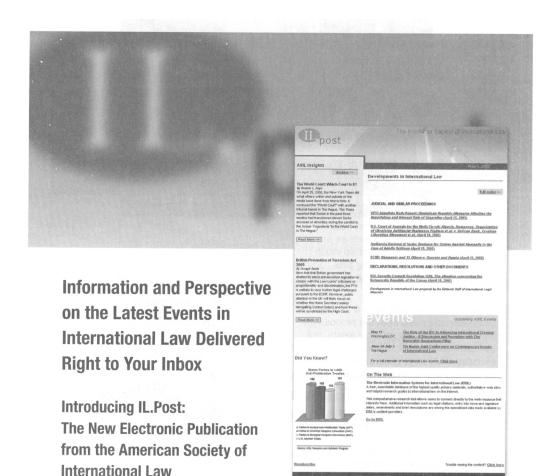
We hope that this creative and interactive project will help demonstrate the diversity and the centrality of international law to our lives today.







www.asil100.org

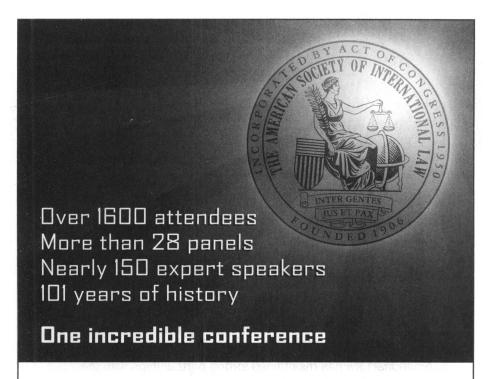


Published every two weeks, IL.Post brings the latest in international law right to you. Every issue includes:

- ASIL Insights: Go behind the headlines for perspective on the latest happenings in International Law
- Developments in International Law: Prepared by the staff of International Legal Materials, this section provides links to the latest resolutions, judicial proceedings and treaties that are changing the shape of International Law
- Events: A listing of the latest panels, webinars and programs upcoming in the world of International Law
- Compendium: A listing of the latest books and articles published by ASIL members
- Plus regular special features

IL.Post is available exclusively to ASIL members.
For information on ASIL membership, visit our web site at www.asil.org





For 100 years, the American Society of International Law's (ASIL) annual meeting has been where leading thinkers in international law come together. Recent speakers have included Supreme Court Justices, the President of the International Court of Justice and the United States Secretary of State.

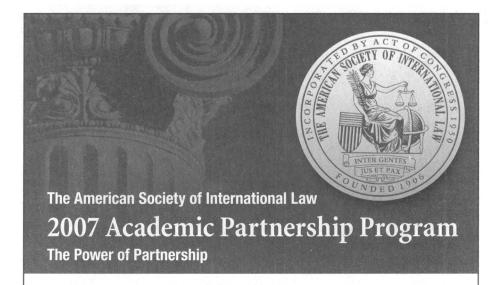
This year's meeting promises to be another extraordinary gathering, with a focus on "The Future of International Law". Tackling subjects that are central to the development of the global information economy, the annual meeting will generate and inform ideas about the future of international law and the role of international lawyers.

Register today at www.asil.org/am2007.html

For additional information please visit our website at **www.asil.org/am2007.html** or contact the ASIL Service Center at services@asil.org or +1-781-876-8844.

The ASIL Annual Meeting. There's nothing else in the world like it.





From the publication of our award-winning quarterly, the *American Journal of International Law*, to hosting the world's largest annual gathering of international law experts, the American Society of International Law has maintained strong partnerships with the academic community for 100 years.

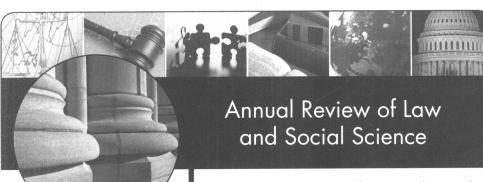
Launched in ASIL's centennial year, the **Academic Partnership Program** will continue to enable academic institutions to partner with ASIL to promote their program in 2007.

Benefits of partnership include:

- Recognition at ASIL's Annual Meeting as an Academic Partner
- Recognition on ASIL's web site as an Academic Partner
- Two full-page advertisements per year in the American Journal of International Law
- Full-page advertisement in ASIL Annual Meeting program book
- Opportunity to partner with ASIL at the Annual Meeting, regional meetings at campus sites, and Tillar House events
- Opportunity to distribute program materials to ASIL members through a periodic electronic ASIL Academic Bulletin

This program is available for \$5,000. To participate please complete and submit the attached application. For further information, contact Maria Staunton at mstaunton@asil.org or 202-939-6000.





Volumes

available

Online/Print

Editor: John Hagan,Northwestern University

Associate Editors: Kim Lane Scheppele, Princeton University Tom R. Tyler, New York University

Committee Members:
Harry W. Arthurs,
York University
Richard Brooks,
Yale University
Lauren Edelman,
University of California,
Berkeley
Robert W. Gordon,
Yale University
Richard O. Lempert,
University of Michigan
Annelise Riles,

Cornell University

The Annual Review of Law and Social Science, in publication since 2005, strives

of the complex connections between law, culture, and society by focusing on social scientific studies of law and law-like systems

of rules, institutions, processes, and behaviors. This groundbreaking series provides multidisciplinary insights into the impact of law, aggregated human behavior and interactions, analytic and normative jurisprudence, the dynamics of decision making and enforcement of authoritative rules, as well as the variations and changes in legal institutions and the management of social change by these institutions.

Access this and all Annual Reviews series immediately via your institution at: www.annualreviews.org

Personal copies available at reduced rates. Contact Annual Reviews for details.



ANNUAL REVIEWS
Celebrating 75 Years of Publishing Excellence
Call: 800.523.8635 (Toll Free US/CAN)
Call: 650.493.4400 (Worldwide) | Fax: 650.424.0910
Order online at www.annualreviews.org

HeinOnline

The world's largest <u>image-based</u> legal research collection! Now in <u>thousands</u> of locations in more than 150 countries!



IMAGE-BASED
COMPREHENSIVE
FULLY-SEARCHABLE

Now containing more than 300+ journals classified as Non-U.S. and International!

LAW JOURNAL LIBRARY

More than **1200** legal periodicals now participating

TREATIES AND AGREEMENTS LIBRARY

The world's most comprehensive, full-text coverage of every U.S. treaty, whether in force, expired, or yet-to-be officially published

SUPREME COURT LIBRARY

Includes all official U.S. Reports volumes, preliminary prints, and slip opinions since inception in 1790

FEDERAL REGISTER LIBRARY

Includes coverage from inception in 1936 through October 2005; all rules, proposed rules, notices of federal agencies and organizations, and executive orders

LEGAL CLASSICS LIBRARY

Hundreds of monographs written by some of the best legal minds in history

NEW:

U.S. LEGISLATIVE HISTORIES LIBRARY Complete legislative histories not found in any other online resource

PHILIP C. JESSUP RESEARCH LIBRARY

The indispensable compilation of materials from the International Moot Court Competition, plus the ILSA Journal of International & Comparative Law and ILSA Journal of International Law

PRESIDENTIAL LIBRARY

Will include *Public Papers of the Presidents*, along with other important documents related to U.S. Presidents past and present

COMING SOON:

U.S. FEDERAL AGENCY LIBRARY

Will contain Administrative Decisions, FCC Record, Tax Court Reports, and a number of other notable U.S. Federal Agency publications



For more information, please visit us at

http://heinonline.org

HeinOnline is a product of William S. Hein & Co., Inc.