Contents

EDITORIAL
1 The Public Good of Academic Publishing in International Law
Jean d’Aspremont and Larissa van den Herik

INTERNATIONAL LEGAL THEORY
7 Law and the Political Economy of the World
David Kennedy
49 On the Functions of International Courts: An Appraisal in Light of Their Burgeoning Public Authority
Armin von Bogdandy and Ingo Venzke

INTERNATIONAL LAW AND PRACTICE
73 Embassy Bank Accounts and State Immunity from Execution: Doing Justice to the Financial Interests of Creditors
Cedric Ryngaert

Hague International Tribunals
89 The Classification of International Legal Rules: A Reply to Stefan Talmon
Amirouche Ouali-Ahmedi
105 The Dark Side of Immunity: Is There Any Individual Right for Activities Jure Imperii?
Matteo Sarzo

INTERNATIONAL CRIMINAL COURTS AND TRIBUNALS
127 A Cosmopolitan Liberal Account of International Criminal Law
Darryl Robinson

INTERNATIONAL LAW AND PRACTICE
155 The Making of Global Legal Culture and International Criminal Law
Kirsten Campbell

173 When International Criminal Justice Collides with Principles of International Protection: Assessing the Consequences of ICC Witnesses Seeking Asylum, Defendants Being Acquitted, and Convicted Being Released
Joris van Wijk

BIBLIOGRAPHY
193 Books and Articles in the Field of the Prevention and Peaceful Settlement of International Disputes
(Inverg Kow

BOOK REVIEWS
201 On Constructivist and Constitutional Approaches to International Law
Jochen Rauber

219 Antonio Cançado Trindade, The Access of Individuals to International Justice
Johannes van Aggelen

223 Frédéric Dopagne, Les contre-mesures des organisations internationales
Christiane Ahlborn

229 Kimberley N. Trapp, State Responsibility for International Terrorism: Problems and Prospects
Christian M. Henderson

234 Thomas Gammeltoft-Hansen, Access to Asylum: International Refugee Law and the Globalisation of Migration Control
Bríd Ní Ghráinne
Firmly established as one of Europe’s leading journals in the field, *Leiden Journal of International Law* (LJIL) provides a forum for two vital areas, namely international legal theory and international dispute settlement. It is unique in providing the most comprehensive coverage of the world’s most important international tribunals in The Hague and elsewhere (such as the ICJ, ICTY, ICC and others), as well as examining new trends in international legal thinking. LJIL is essential reading for academics and practitioners who need to stay abreast of recent developments in these areas.

**Instructions for contributors**

*Leiden Journal of International Law* is an international, refereed journal, published quarterly by Cambridge University Press. It is firmly established as one of Europe’s leading journals in the field. It provides a forum for two vital areas, namely international legal theory and international dispute settlement. It is unique in providing the most comprehensive coverage of the world’s most important international tribunals in The Hague and elsewhere (such as the ICJ, ICTY, ICC and others), as well as examining new trends in international legal thinking. LJIL is essential reading for academics and practitioners who need to stay abreast of recent developments.

All contributions to *Leiden Journal of International Law* are peer-reviewed.

**EDITORIAL POLICY**

*Leiden Journal of International Law* is firmly established as one of Europe’s leading journals in the field. It provides a forum for two vital areas, namely international legal theory and international dispute settlement. It is unique in providing the most comprehensive coverage of the world’s most important international tribunals in The Hague and elsewhere (such as the ICJ, ICTY, ICC and others), as well as examining new trends in international legal thinking. LJIL is essential reading for academics and practitioners who need to stay abreast of recent developments.

Only articles which fall within the scope of the journal will be considered for publication.

**SUBMISSIONS**

Articles in good English to be considered for publication should be submitted online at http://mc.manuscriptcentral.com/ljil. More information can be found at the editors’ website www.grotiuscentre.org (under LJIL).

Submission of a paper will be taken to imply that neither the article as a whole, nor any substantial part of it, has been published previously nor is it being considered for publication elsewhere. Upon acceptance of a paper, the authors will be asked to assign copyright to the Foundation of the Leiden Journal of International Law.

Contributors are responsible for obtaining permission to reproduce any materials, including photographs and illustrations for which they do not hold copyright, and for ensuring that the appropriate acknowledgements are included in the manuscript. All contributions to LJIL are peer-reviewed.

**MANUSCRIPT PREPARATION**

The Editors recommend the following word counts for the journal’s sections: Articles up to 7,000 words; Hague International Tribunals and Current Legal Developments up to 3,000 words; Book Review Essays up to 5,000, and Book Reviews up to 3,000 words.

**PROCEDURES**

After receipt, the contribution will be sent for peer review. If the article is considered eligible for publication, any revisions deemed necessary will be sent to the author. The author will be given three weeks to make the necessary changes.

**TEXT CONVENTIONS**

Copy editing can be a lengthy and complex business, so it is essential that contributors observe the LJIL’s text conventions closely. Texts which do not do so are rejected.

Contributions should refer to the LJIL’s rules of citation and points of style, which can be found at http://assets.cambridge.org/LJIL/ljil_ifc.pdf.

Proofs may be expected about three months before publication. Only essential typographical or factual errors may be changed at proof stage. Resist the temptation to revise or add to the text. The publisher reserves the right to charge authors for correction of non-typographical errors.

**OFFPRINTS**

Authors of articles, review essays and book reviews will receive a pdf file of their contribution and a complimentary issue upon publication. Offprints can be purchased if the form is completed and returned to the publisher on receipt of the first proofs.
Contents

EDITORIAL
1–6 The Public Good of Academic Publishing in International Law
Jean d’Aspremont and Larissa van den Herik

INTERNATIONAL LEGAL THEORY
7–48 Law and the Political Economy of the World
David Kennedy
49–72 On the Functions of International Courts: An Appraisal in Light of Their Burgeoning Public Authority
Armin von Bogdandy and Ingo Venzke

INTERNATIONAL LAW AND PRACTICE
73–88 Embassy Bank Accounts and State Immunity from Execution: Doing Justice to the Financial Interests of Creditors
Cedric Ryngaert

HAGUE INTERNATIONAL TRIBUNALS
89–103 The Classification of International Legal Rules: A Reply to Stefan Talmon
Alexander Orakhelashvili
105–125 The Dark Side of Immunity: Is There Any Individual Right for Activities Jure Imperii
Matteo Sarzo

INTERNATIONAL CRIMINAL COURTS AND TRIBUNALS
127–153 A Cosmopolitan Liberal Account of International Criminal Law
Darryl Robinson
155–172 The Making of Global Legal Culture and International Criminal Law
Kirsten Campbell
Joris van Wijk

BIBLIOGRAPHY
193–200 Books and Articles in the Field of the Prevention and Peaceful Settlement of International Disputes (Winter 2013)
Ingrid Kost

REVIEW ESSAY
201–217 On Communitarian and Constitutional Approaches to International Law
Jochen Rauber

BOOK REVIEWS
219–222 Antonio Cançado Trindade, The Access of Individuals to International Justice
Johannes van Aggelen
223–229 Frédéric Dopagne, *Les contre-mesures des organisations internationales*
Christiane Ahlborn

Christian M. Henderson

Bríd Ní Ghráinne
Horst Fischer (Bochum & Leiden)
Rick Lawson (Leiden)
Philippe Sands (London)
Michael P. Scharf (Ohio)
Christoph Schreuer (Vienna)
Bruno Simma (The Hague)
Otto Triffterer (Salzburg)
Makau Wa Mutua (Buffalo)