### **C**AMBRIDGE

### Outstanding New Scholarship in International Law

#### **Prosecuting Heads of State**

Ellen L. Lutz and Caitlin Reiger \$95.00: Hb: 978-0-521-49109-9: 352 pp. \$29.99: Pb: 978-0-521-75670-9





# The End of Reciprocity Terror, Torture, and the Law of War

\$120.00: Hb: 978-0-521-51351-7: 676 pp. \$45.00: Pb: 978-0-521-73014-3

#### Cooperating for Peace and Security

Evolving Institutions and Arrangements in a Context of Changing U.S. Security Policy Bruce D. Jones, Shepard Forman and Richard Gowan \$85.00: Hb: 978-0-521-88947-6: 344 pp.

# Criminal Disenfranchisement in an International Perspective

Alec C. Ewald and Brandon Rottinghaus \$85.00: Hb: 978-0-521-87561-5: 302 pp.



# Sanctions, Accountability and Governance in a Globalised World

Jeremy Farrall and Kim Rubenstein Connecting International Law with Public Law \$130.00: Hb: 978-0-521-11492-9: 488 pp.

# Hague Colloquium on Fundamental Principles of Law

# Self-Defence as a Fundamental Principle

Arthur Eyffinger, Sam Muller and Alan Stephens \$70.00: Hb: 978-9-067-04287-1: 282 pp.

# Highest Courts and the Internationalisation of Law Challenges and Changes

A. S. Muller and M. A. Loth \$70.00: Hb: 978-9-067-04288-8: 230 pp.

#### Non-State Actors as Standard Setters

Anne Peters, Lucy Koechlin, Till Förster and Gretta Fenner Zinkernagel \$110.00: Hb: 978-0-521-11490-5: 608 pp.

### Constitutional Rights in Two Worlds

South Africa and the United States Mark S. Kende

# \$90.00: Hb: 978-0-521-87904-0: 336 pp. The Constitution of a

Federal Commonwealth
The Making and Meaning of the
Australian Constitution
Nicholas Aronev

\$115.00: Hb: 978-0-521-88864-6: 446 pp. \$49.99: Pb: 978-0-521-71689-5



## Cambridge Studies in Law and Society

#### After Abu Ghraib

Exploring Human Rights in America and the Middle East

Shadi Mokhtari

\$85.00: Hb: 978-0-521-76753-8: 264 pp.





#### Culture under Cross-Examination

International Justice and the Special Court for Sierra Leone

Tim Kelsall

\$105.00: Hb: 978-0-521-76778-1: 320 pp.

#### Legitimacy, Justice and Public International Law

Lukas H. Meyer \$90.00: Hb: 978-0-521-19949-0: 352 pp.

#### International Trade Regulation and the Mitigation of Climate Change World Trade Forum

Thomas Cottier, Olga Nartova and Sadeq Z. Bigdeli \$110.00: Hb: 978-0-521-76619-7: 456 pp.

#### The Protection of Biodiversity and Traditional Knowledge in International Law of Intellectual Property

#### Jonathan Curci

Cambridge Intellectual Property and Information Law

\$110.00: Hb: 978-0-521-19944-5: 408 pp.

Prices subject to change.

www.cambridge.org/us/law



1584 + 2009

425 YEARS OF CAMBRIDGE PRINTING AND PUBLISHING

### **JOURNALS**



# European Constitutional Law Review

Marketed and distributed for T.M.C. Asser Press

#### European Constitutional Law Review

is available online at http://journals.cambridge.org/ecl

#### To subscribe contact Customer Services

#### in Cambridge:

Phone +44 (0)1223 326070 Fax +44 (0)1223 325150 Email journals@cambridge.org

#### in New York:

Phone +1 (845) 353 7500 Fax +1 (845) 353 4141 Email subscriptions\_newyork@cambridge.org

#### Editor-In-Chief

W. T. Eijsbouts, University of Amsterdam, The Netherlands Marketed in distributed for T.M.C. Asser Press.

The European Constitutional Law Review, a peer reviewed English language journal, is a platform for advancing the study of European constitutional law, its history and evolution. Its scope is European law and constitutional law, history and theory, comparative law and jurisprudence. Published triannually, it contains articles on doctrine, scholarship and history, plus jurisprudence and book reviews.

# Price information is available at http://journals.cambridge.org/ecl

#### Free email alerts

Keep up-to-date with new material – sign up at http://journals.cambridge.org/alerts

For free online content visit http://journals.cambridge.org/ecl



### **JOURNALS**



# NETHERLANDS INTERNATIONAL LAW REVIEW

Marketed and distributed for T.M.C. Asser Press

#### Netherlands International Law Review

is available online at: http://journals.cambridge.org/nlr

#### To subscribe contact Customer Services

#### in Cambridge:

Phone +44 (0)1223 326070 Fax +44 (0)1223 325150 Email journals@cambridge.org

#### in New York:

Phone +1 (845) 353 7500 Fax +1 (845) 353 4141 Email subscriptions newyork@cambridge.org

#### Editor-in-Chief

P. Vlas, Free University of Amsterdam, The Netherlands

The Netherlands International Law Review (NILR) addresses relevant topics and recent trends in international law and the conflict of laws, including their comparative legal aspects. Articles are combined with English-language reports on topical Dutch judicial decisions, survey of the case law on the topic of civil jurisdiction and enforcement of judgments in Europe, an update on the current developments regarding The Hague's international tribunals, an overview of the Hague Conventions on Private International Law, book reviews, and occasionally, a short commentary on case law or legislation.

### Price information is available at: http://journals.cambridge.org/nlr

#### Free email alerts

Keep up-to-date with new material – sign up at http://journals.cambridge.org/alerts

For free online content visit: http://journals.cambridge.org/nlr



#### CAMBRIDGE

### **JOURNALS**



# European Business Organization Law Review

Marketed and distributed for T.M.C. Asser Press

#### European Business Organization Law Review

is available online at http://journals.cambridge.org/ebr

#### To subscribe contact Customer Services

#### in Cambridge:

Phone +44 (0)1223 326070 Fax +44 (0)1223 325150 Email journals@cambridge.org

#### in New York:

Phone (845) 353 7500 Fax (845) 353 4141 Email subscriptions\_newyork@cambridge.org

#### Editor-in-Chief

Rainer Kulms, Max Planck Institute, Hamburg, Germany

The European Business Organization Law Review (EBOR) is a leading European publication addressing all legal aspects of business organization. The journal serves as a platform for articles, case-notes and book reviews to stimulate scholarly debate and to reflect the speed of how developments in the field translate into substantive law.

# Price information is available at <a href="http://journals.cambridge.org/ebr">http://journals.cambridge.org/ebr</a>

#### Free email alerts

Keep up-to-date with new material – sign up at http://journals.cambridge.org/alerts

For free online content visit http://journals.cambridge.org/ebr



### Leiden Journal of International Law

#### Instructions for contributors

#### 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 submitted for publication should be sent to the Managing Editor, Ms. Christine Tremblay, by email via ljil@law.leidenuniv.nl. 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 10,000 words;

Hague International Tribunals and Current Legal Developments up to 8,000 words; Book Review Essays up to 5,000; and Book Reviews up to 1,500 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. Typescripts which do not may be returned for amendment.

Contributions should refer to the *LJIL*'s rules of citation and points of style, which can be found at http://assets.cambridge.org/LJL/ljl ifc.pdf

#### PROOFS

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

Until December 2009, if the article is published, the author will receive 25 offprints of the paper. Extra copies may be purchased from the publisher if ordered at proof stage. Authors of book reviews will receive one complimentary copy of the Journal.

From the first issue of the 2010 volume, 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.

# Leiden Journal of International Law

#### **Contents**

#### ARTICLES

- 651 The International Regulation of the Use of Force: The Politics of Interpretive Method Andrea Bianchi
- 677 Populus Interruptus: Self-Determination, the Independence of Kosovo, and the Vocabulary of Peoplehood Zoran Oklopcic

### HAGUE INTERNATIONAL TRIBUNALS International Court of Justice

703 Rosalyn Higgins: Judge and President of the International Court of Justice (1995–2009) Thomas Buergenthal

#### **International Criminal Court and Tribunals**

- 715 Critical Issues in the *Bemba* Confirmation Decision
- 727 Defining Victims of Crimes against Humanity: Martić and the International Criminal Court Joakim Dungel

#### Special Court for Sierra Leone

- 753 The Application of Human Rights Treaties in the Development of Domestic and International Law: A Personal Perspective Teresa A. Doherty
- 761 Preserving the Legacy of the Special Court for Sierra Leone: Challenges and Lessons Learned in Prosecuting Grave Crimes in Sierra Leone Joseph F. Kamara

#### CURRENT LEGAL DEVELOPMENTS

- 779 Common Article 1: A Minimum Yardstick for Regulating Private Military and Security Companies Hannah Tonkin
- 801 Moving Ahead in Protecting Freshwater Resources: The International Law Commission's Draft Articles on Transboundary Aquifers Kerstin Mechlem
- 823 Displacement of Civilians during Armed Conflict in the Light of the Case Law of the Eritrea-Ethiopia Claims Commission Allehone Mulugeta Abebe

#### BIBLIOGRAPHY

853 Books and Articles in the Field of the Prevention and Peaceful Settlement of International Disputes (Summer 2009) Ingrid Kost

#### REVIEW ESSAY

857 Russell A. Miller and Rebecca M. Bratspies (eds.), Progress in International Law Thomas Skouteris

#### BOOK REVIEW

867 Nils Melzer, Targeted Killing in International Law Tamás Hoffmann

#### Cambridge Journals Online

For further information about this journal please go to the journal website at: journals.cambridge.org/ljl



