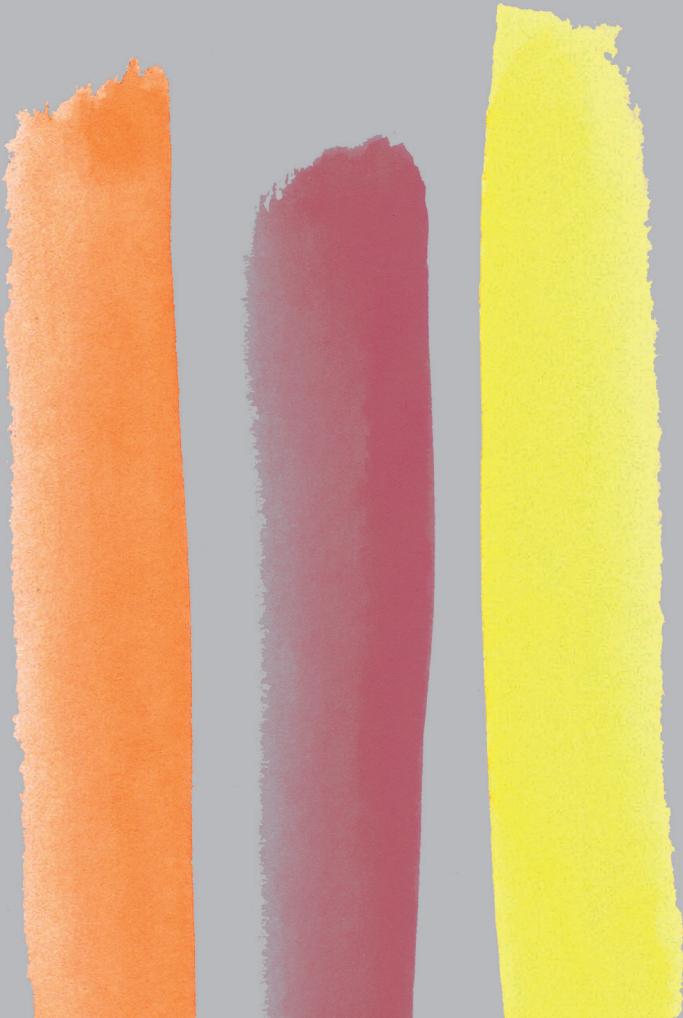


# Global Constitutionalism

■ Human Rights ■ Democracy ■ Rule of Law



CAMBRIDGE  
UNIVERSITY PRESS

# Global Constitutionalism

HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW  
[journals.cambridge.org/GlobCon](http://journals.cambridge.org/GlobCon)

## EDITORS

Jeffrey L. Dunoff, *Temple University*  
Mattias Kumm, *WZB Berlin and New York University*  
Jonathan Havercroft, *University of Southampton*  
Antje Wiener, *University of Hamburg*

## MANAGING EDITOR

Kriszta Kovács / WZB

## EDITORIAL BOARD

Mathias Albert, *University of Bielefeld*  
Alberto do Amaral Jr., *University of São Paulo*  
Duncan Bell, *University of Cambridge*  
Richard Bellamy, *University College, London*  
Seyla Benhabib, *Yale University*  
Armin v. Bogdandy, *Max Planck Law, Heidelberg*  
Jutta Brunnée, *University of Toronto*  
Gráinne de Búrca, *New York University*  
Damian Chalmers, *LSE; National University of Singapore*  
Wen-Chen Chang, *National Taiwan University*  
Carlos Closa, *Institute of Public Goods and Policies*  
Jean L. Cohen, *Columbia University*  
Avigail Eisenberg, *University of Victoria*  
Michelle Everson, *Birkbeck College, University of London*  
Ezzedine Choukri Fishere, *American University of Cairo*  
Rainer Forst, *JWG University Frankfurt/Main*

Daniel Halberstam, *University of Michigan Law School*  
Turkuler Isiksel, *Columbia University*  
Vicki Jackson, *Harvard Law School*  
Helen Kinsella, *University of Wisconsin, Madison*  
Friedrich Kratochwil, *Goethe University Frankfurt*  
Anthony Lang, *University of St Andrews*  
Miguel Poiares Maduro, *European University Institute*  
Boaventura de Sousa Santos, *Coimbra, University of Wisconsin, Madison*  
Joanne Scott, *University College London*  
Jo Shaw, *University of Edinburgh*  
Quentin Skinner, *Queen Mary, University of London*  
Jacqui True, *Monash University*  
Neil Walker, *University of Edinburgh*  
Chenguang Wang, *Tsinghua University School of Law*  
Michael Zürn, *Freie Universität Berlin*

## CO-FOUNDING EDITOR

James Tully, *University of Victoria*

## STATEMENT OF AIMS

*Global Constitutionalism - Human Rights, Democracy and the Rule of Law* (GlobCon) seeks to promote a deeper understanding on the foundations, limitations and principles of political order and their dynamics over time on a global scale. The journal is interested in work that refers to constitutionalism as a template for empirical, conceptual or normative research on past, present and future political and legal practices, within and beyond the state.

All articles are subject to anonymous interdisciplinary peer-review.

*With thanks to the Professorship for Global Public Law and the Center for Global Constitutionalism at the WZB, Berlin, for institutional support.*

Cover design by Emma Keet.

# GLOBAL CONSTITUTIONALISM

Volume 7, Issue 2, July 2018

## CONTENTS

- 143 Transnational militant democracy  
ULRICH WAGRANDL
- 173 Popular sovereignty over natural resources: A critical reappraisal of Leif Wenar's *Blood Oil* from the perspective of international law and justice  
PETRA GÜMPLOVÁ
- 204 Global public-private partnerships and the new constitutionalism of the refugee regime  
MARK MACHACEK
- 236 'The Court, it is I? Individual judicial powers in the Brazilian Supreme Court and their implications for constitutional theory  
DIEGO WERNECK ARGUELHES AND LEANDRO MOLHANO RIBEIRO
- 263 Challenging the masters of the treaties: Emerging narratives of constituent power in the European Union  
MARKUS PATBERG