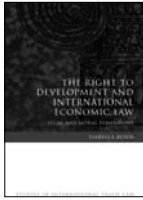


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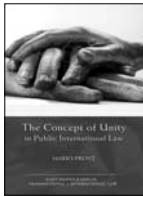
The Right to Development and International Economic Law

Legal and Moral Dimensions
Isabella D Bunn

The United Nations is commemorating the 25th anniversary of the 1986 Declaration on the Right to Development. The UN now aims to mainstream the right into its policies and operational activities, and is reviewing prospects for an internationally-binding legal instrument. The evolution of the right to development, however, has been dominated by debates about its conceptual validity and practical ramifications. It has been hailed as the cornerstone of the entire human rights system and criticised as a distracting ideological initiative. This book examines the legal and moral foundations of the right to development, addressing the major questions in the debate.

Isabella D Bunn is Professor of Ethics at the Florida Institute of Technology, College of Business.

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The Concept of Unity in Public International Law

Mario Prost

'Fragmentation' has become a defining metaphor of international law scholarship in the era of globalisation. Some accept while others oppose the idea of fragmentation; some see it as a new development, others as history repeating itself; some approach it as a technical issue and some as the reflection of deeper political struggles. But there is near-consensus about the fact that something is happening today which challenges established visions of international law as a unitary whole. At the same time, the concept of unity, which lies at the very core of the fragmentation debate, is hardly ever rationalised in the literature. As a rule, the notion of unity is more assumed than explained. Unity is presented as fragmentation's theoretical opposite but its meaning remains vague and intuitive. This book attempts to dispel that vagueness by exploring the various possible meanings of the concept of unity in international law.

Mario Prost is a Law Lecturer at Keele University.

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The Practice of International and National Courts and the (De-) Fragmentation of International Law

Edited by Ole Kristian Fauchald and André Nollkaemper

Against the background of differing normative appraisals of the phenomenon of fragmentation, this book aims to enhance our understanding of how international and national courts can, and do, contribute to or mitigate problems associated with fragmentation. It contains case studies from international regimes and from various national jurisdictions, providing an improved basis for conclusions to be drawn in the final chapter. In particular this conclusion examines the principles and techniques that international and national courts have applied to counteract the negative effects of fragmentation.

Ole Kristian Fauchald is Professor of Law at the Department of Public and International Law, University of Oslo. *André Nollkaemper* is Professor of Public International Law at the Amsterdam Center for International Law.

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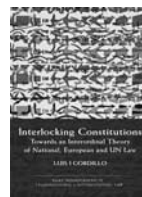
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Wenhua Shan is a Ministry of Education Changjiang Scholar Chair Professor of International Economic Law at Xi'an Jiaotong University, China.

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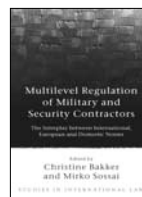
Interlocking Constitutions

Towards an Interordinal Theory of National, European and UN Law
Luis I Gordillo

The existence of interactions between different but overlapping legal systems has always presented challenges to black letter law. This is particularly true of the relationship between international law and domestic law and the relationship between federal law and the laws of individual federation members. Moreover some organisations have created their own supranational constitutional systems. It is in the dynamic relationship between domestic constitutional laws, EU law, the ECHR and the UN Charter that the most persistent difficulties arise. In this context 'inter-ordinal instability' not only provokes strong academic interest, but also affects what has been called 'governance' and undermines both legal certainty and individual fundamental rights. Different solutions have been explored, but none of them has received global acceptance. In this book Luis Gordillo analyses the inter-ordinal instabilities which arise at the European level, focusing on three main strands of case-law and their implications: *Solange*, *Bosphorus* and *Kadi*. To solve the difficulties caused by this instability Gordillo proposes a form of soft constitutionalism, which he calls 'inter-ordinal constitutionalism', as a means to bring order and stability to global legal governance.

Luis I Gordillo is an Associate Professor at the University of Deusto, Bilbao.

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Christine Bakker is a Research Fellow at the European University Institute in Florence. *Mirko Sossai* is lecturer in law at the University of Rome III.

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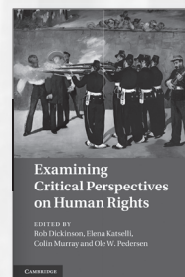
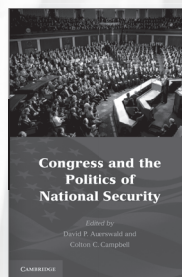
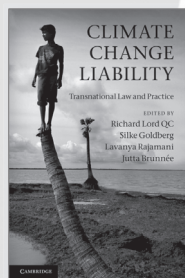
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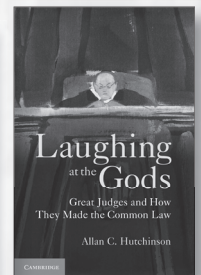
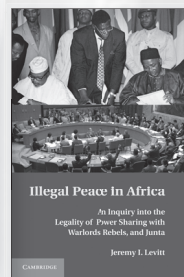
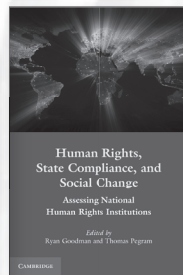
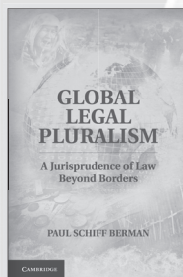
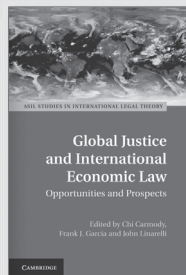
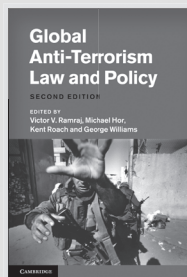
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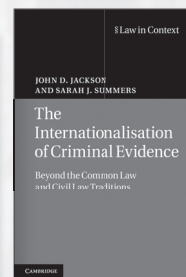
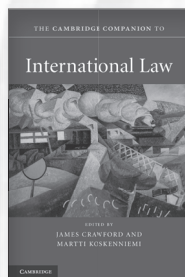
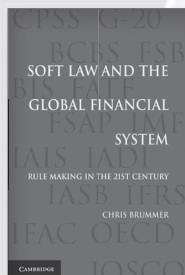
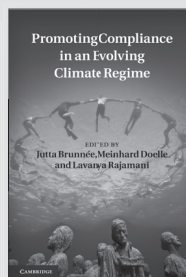
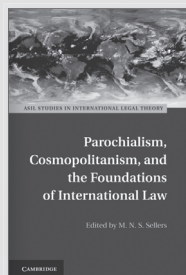
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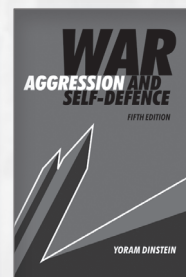
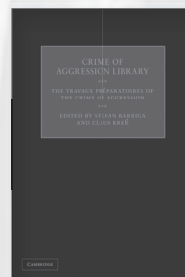
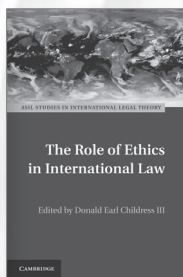
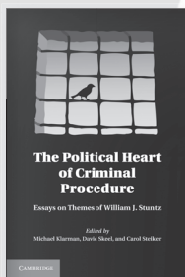
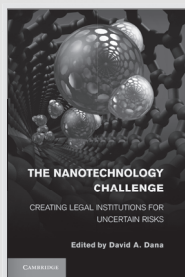
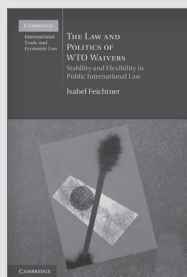
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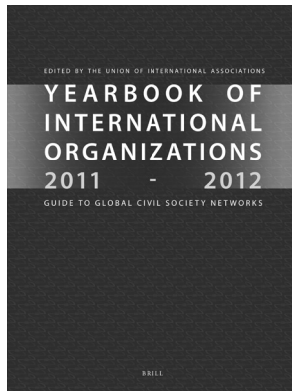
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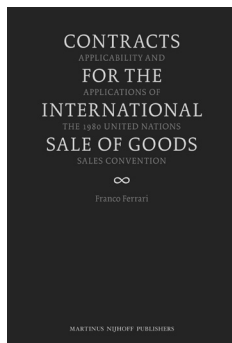
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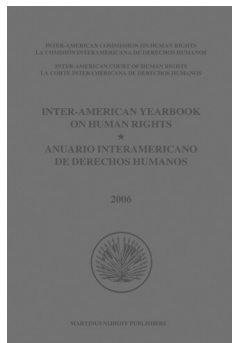
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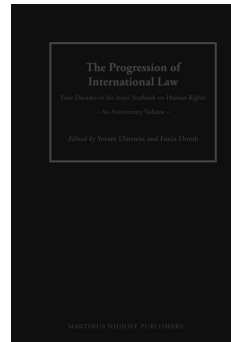


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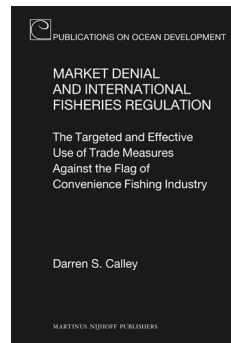
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The Targeted and Effective Use of Trade Measures Against the Flag of Convenience Fishing Industry



Darren S. Calley,
University of Essex

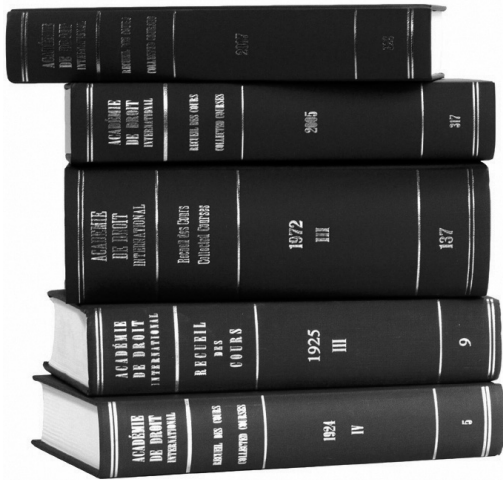
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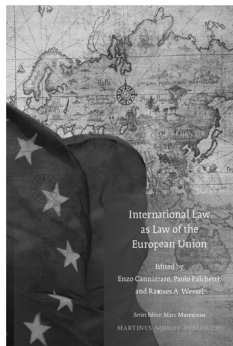
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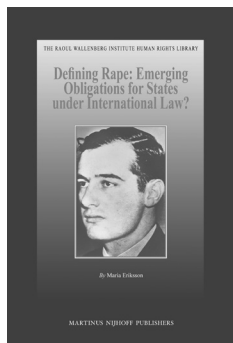


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Defining Rape: Emerging Obligations for States under International Law?

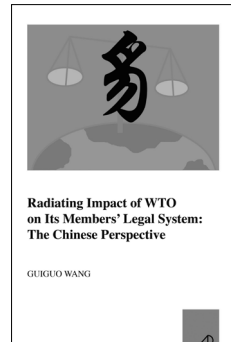


Maria Eriksson

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The crime of rape has been prevalent in all contexts, whether committed during armed conflict or in peacetime, and has largely been characterised by a culture of impunity. International law, through its branches of international human rights law, international humanitarian law and international criminal law, has increasingly condemned such violence and is progressively obliging states to prevent rape, whether committed by a state agent or a private actor.

Radiating Impact of WTO on Its Members' Legal System: The Chinese Perspective



Guiguo Wang

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The World Trade Organization ("WTO") resulted from globalization, through which national law provisions are internationalized and international norms are domesticated. The WTO does not permit reservation by its members who are obliged to ensure the compliance of their laws, policies and other measures. Once a member is found to have violated its obligations, it must rectify the non-compliance measures to avoid retaliation. The quasi-automatic approval procedure of the WTO Dispute Settlement Body has proved to be effective in ensuring the compliance by members and consistency of interpretation of the WTO Agreement. As the multilateral trade institution covers a wide range of sectors from trade in goods and services, and intellectual property to investment and the measures of the members include laws and regulations, administrative decisions and judicial rulings, the impacts of the WTO on the members' legal systems are hugely profound and long lasting. In some cases, for the purpose of joining the WTO, the legal systems of the members concerned have been through significant changes.

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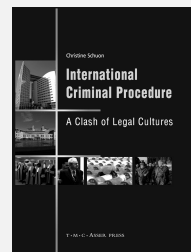
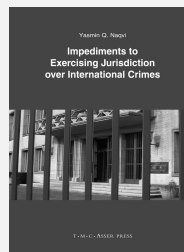
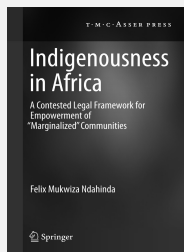
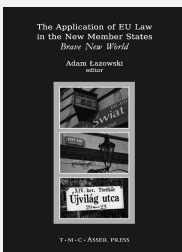
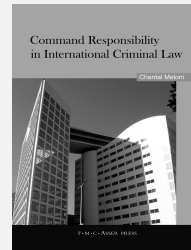
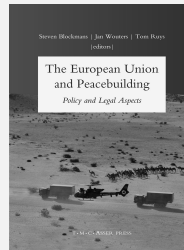
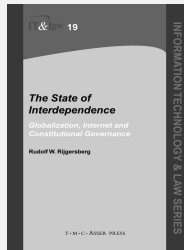
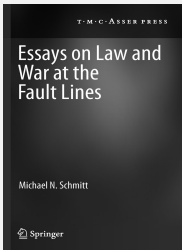
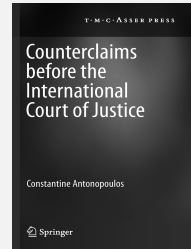
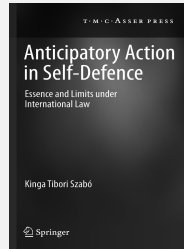
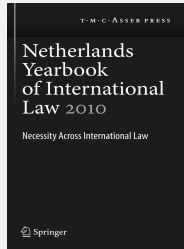
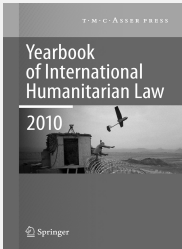
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The dramatic growth in the international legal field makes it nearly impossible for scholars and practitioners—let alone the general public—to keep abreast of the most important international legal developments. Fortunately they can rely on our staff and Editorial Advisory Committee to sift through the vast array of documents, identify those that are truly significant, and highlight them in *International Legal Materials* and our bi-weekly electronic bulletin, *International Law in Brief*. The Society's periodic *ASIL Insights* provide additional analysis of particularly high-profile developments.

Beginning in 2007, we have been supplementing all documents published in *International Legal Materials* with an introductory note from one of the many experts ASIL counts among its members. These notes provide summaries of the documents and key insights into their significance. In this volume we feature notes by Gilles Cuniberti, Elizabeth Stubbins Bates, David P. Stewart, Amy Senier, Bonita C. Meyersfeld, Lee Tin Yan, and Jorge Kamine. We are extremely grateful to these authors, and we are confident that you will value their contributions as well.

Please send us your comments and suggestions as we continue our efforts to meet the evolving needs of the international legal community.

Sincerely,

Elizabeth Andersen
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