BIBLIOGRAPHY

Books and Articles in the Field of the Prevention and Peaceful Settlement of International Disputes (Autumn 2008)

Compiled by Ingrid Kost exclusively from materials available in the Peace Palace Library, The Hague

I. BOOKS

- Aertsen, I. (ed.), *Restoring Justice after Large-Scale Violent Conflicts: Kosovo, DR Congo and the Israeli– Palestinian Case* (2008). ISBN 9781843923022, 483 pp.
- Arnold, R. (ed.), Law Enforcement within the Framework of Peace Support Operations (2008). ISBN 9789004165106, 442 pp.
- Bühler, M. W., and T. H. Webster, Handbook of ICC Arbitration: Commentary, Precedents, Materials (2008). ISBN 9780421954502, 811 pp.
- Dugan, C. F., Investor-state Arbitration (2008). ISBN 0379215446, 791 pp.
- Janow, M. E., V. Donaldson, and A. Yanovich (eds.), *The WTO: Governance, Dispute Settlement, and Developing Countries* (2008). ISBN 9781578232321, 1110 pp.
- Kirchhoff, L., Constructive Interventions: Paradigms, Process and Practice of International Mediation (2008). ISBN 9041126856, 354 pp.
- Le Floch, G., L'urgence devant les juridictions internationales (2008). ISBN 9782233005335, 517 pp.
- Nye, J. S., Understanding International Conflicts: An Introduction to Theory and History (2009). ISBN 0205658873, 302 pp.
- Palichleb, M., Tatsachenermittlung im Streitbeilegungsverfahren der Welthandelsorganisation (WTO) (2008). ISBN 9783428124268, 188 pp.
- Ruiz Fabri, H., and J. Sorel (eds.), *La motivation des décisions des juridictions internationales* (2008). ISBN 9782233005373, 286 pp.
- Salamanca, M. E., Las prácticas de la resolución de conflictos en América Latina (2008). ISBN 9788498301618, 243 pp.
- Sandole, D. J. D., and D. G. Pruitt, *Handbook of Conflict Analysis and Resolution* (2008). ISBN 0415433959, 543 pp.
- Stahn, C. J., and K. Kleffner (eds.), *Jus Post Bellum: Towards a Law of Transition from Conflict to Peace* (2008). ISBN 9789067042727, 241 pp.

2. Chapters in edited volumes and journal articles

Adam, H., 'Mandela in Palestine: Peacemaking in Divided Societies', in G. Ben-Porat (ed.), *The Failure* of the Middle East Peace Process? A Comparative Analysis of Peace Implementation in Israel/Palestine, Northern Ireland and South Africa (2008), 236–58

'Alternative Dispute Resolution as Applied to International Trade and Investment', (2008) 25 Arizona Journal of International and Comparative Law 411-35

Berdal, M., 'The Security Council and Peacekeeping', in V. Lowe et al. (eds.), *The United Nations* Security Council and War: The Evolution of Thought and Practice since 1945 (2008), 175–204

Bernasconi-Osterwalder, N., 'Transparency, Participation and Accountability in International Economic Dispute Settlement: A Sustainable Development Perspective', in H. C. Bugge and C. Voigt (eds.), Sustainable Development in International and National Law: What Did the Brundtland Report Do to Legal Thinking and Legal Development, and Where Can We Go from Here? (2008), 321–45

Blanke, G., 'Institutional Versus Ad Hoc Arbitration: A European Perspective', (2008) 9 *ERA-Forum: Scripta Iuris Europaei* 275–82

Broichmann, A., 'Disputes in the Fast Lane: Fast-Track Arbitration in Merger and Acquisition Disputes', (2008) 11 International Arbitration Law Review 143–52

Congyan, C., 'Structure of Arbitrators and Its Implications towards ICSID Mechanism: An Empirical Analysis' (2008), 9 *Journal of World Investment & Trade* 333–49

Connerty, A., 'Monetising Natural Gas: The Resolution of Disputes', (2008) 74 Arbitration 269–71

Corbetta, R., and W. J. Dixon, 'Danger beyond Dyads: Third-Party Participants in Militarized Interstate Disputes', in G. Palmer (ed.), *Causes and Consequences of International Conflict: Data, Methods and Theory* (2008), 94–121

Doria, J., 'The ICC and the Peace vs. Justice Dilemma', (2008) 5 International Studies Journal 1-76

Erasmus, G., 'The Non-participation by African States in the Dispute Settlement System of the WTO: Reasons and Consequences', in T. Hartzenberg (ed.), *WTO Dispute Settlement: An African Perspective* (2008), 179–212

- Erasmus, G., 'The SACU Tribunal: Conceptual and Practical Issues', in T. Hartzenberg (ed.), WTO Dispute Settlement: An African Perspective (2008), 251–72
- Erasmus, G., 'The Settlement of African Trade Disputes and the Prospect of Regional Integration', in T. Hartzenberg (ed.), *WTO Dispute Settlement: An African Perspective* (2008), 273–93
- Flavin, W., 'US Doctrine for Peace Operations', in I. Johnstone (ed.), US Peace Operations Policy: A Double-Edged Sword? (2008), 18–33

Gagné, G., and F. Roch, 'The US–Canada Softwood Lumber Dispute and the WTO Definition of Subsidy', (2008), 7 *World Trade Review* 547–72

Gappah, P., 'The Role of the Advisory Centre on WTO Law in Assisting African Countries in WTO Dispute Settlement', in T. Hartzenberg (ed.), *WTO Dispute Settlement: An African Perspective* (2008), 61–79

Gleditsch, K. S., I. Salehyan, and K. Schultz, 'Fighting at Home, Fighting Abroad: How Civil Wars Lead to International Disputes', (2008) 52 *Journal of Conflict Resolution* 479–506

Gowan, R., 'The United States and Peacekeeping Policy in Europe and Latin America: An Uncertain Catalyst?', in I. Johnstone (ed.), US Peace Operations Policy: A Double-Edged Sword? (2008), 67–84

Hansen, H. E., S. M. Mitchell, and S. C. Nemeth, 'IO Mediation of Interstate Conflicts: Moving beyond the Global versus Regional Dichotomy', (2008) 52 *Journal of Conflict Resolution* 295–325

- Higgins, R., 'Some Misconceptions about the Judicial Settlement of International Disputes', (2008) 20 *Hague Yearbook of International Law* 13–18
- Hobér, K., 'Arbitration Involving States', (2008) 2 World Arbitration and Mediation Review 1-41
- Hout, T. T. van den, 'Resolution of International Disputes: The Role of the Permanent Court of Arbitration Reflections on the Centenary of the 1907 Convention for the Pacific Settlement of International Disputes', (2008) 21 *Leiden Journal of International Law* 643–61
- Jones, B., and A. Hart, 'Keeping Middle East Peace?', in I. Johnstone (ed.), US Peace Operations Policy: A Double-Edged Sword? (2008), 85–100
- Kasimbazi, E., 'The Prosecution of Criminals as a Peace-Building Tool: Cooperation with the ICC and the Case of the LRA in Northern Uganda', in R. Arnold (ed.), *Law Enforcement within the Framework of Peace Support Operations* (2008), 33–49
- Kirk, E. A., 'Case Concerning Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)', Judgment of 8 October 2007, (2008) 57 *International and Comparative Law Quarterly* 701–9
- Knoops, G., 'The Transposition of Inter-state Self-Defense and Use of Force onto Operational Mandates for Peace Support Operations', in R. Arnold (ed.), *Law Enforcement within the Framework of Peace Support Operations* (2008), 3–21
- Kwai Hong Ip, 'Peace Support Forces: Assisting the Civilian Authorities in Criminal Prosecutions', in R. Arnold (ed.), *Law Enforcement within the Framework of Peace Support Operations* (2008) 105–20
- Lamba, I. C., 'Conflict Prevention and Resolution in Africa and Lessons from the Past: The Democratic Republic of Congo up to 2003 with Comparisons from Mozambique', (2008) 41 Verfassung und Recht in Übersee 136–68
- Larsen, K. M., 'Attribution of Conduct in Peace Operations: The "Ultimate Authority and Control" Test', (2008) 19 *European Journal of International Law* 509–31
- Le Billon, P., 'Corrupting Peace? Peacebuilding and Post-conflict Corruption', (2008) 15 International Peacekeeping 344–61
- Loncle, J., and J. Morel, 'Les émanations des etats et l'arbitrage CIRDI = Emanations of States and ICSID Arbitration', (2008) *Revue de droit des affaires internationales* 29–51
- Looney, R. E., 'Reconstruction and Peacebuilding under Extreme Adversity: The Problem of Pervasive Corruption in Iraq', (2008) 15 *International Peacekeeping* 424–40
- Luengo Hernandez de Madrid, G. E., 'Conflicts between the Disciplines of EC State Aids and WTO Subsidies: Of Books, Ships and Aircraft', (2008) 13 *European Foreign Affairs Review* 1–31
- MacGarry, J., and B. O'Leary, 'Consociational Theory and Peace Agreements in Pluri-National Places: Northern Ireland and Other Cases', in G. Ben-Porat (ed.), *The Failure of the Middle East Peace Process? A Comparative Analysis of Peace Implementation in Israel/Palestine, Northern Ireland and South Africa* (2008), 70–96
- Mangan, M., 'With the Globalisation of Arbitral Disputes, Is It Time for a New Convention?', (2008) 11 International Arbitration Law Review 133–42
- Maonera, F., 'Initiation of WTO Trade Disputes by the Private Sector: Need for SADC/COMESA Countries to develop National Mechanisms', in T. Hartzenberg (ed.), *WTO Dispute Settlement: An African Perspective* (2008), 213–50
- Marmazov, V. Y., P. V. Pushkar, and A. Doudko, 'Settling International Commercial Disputes in Ukraine: Participants, Legal Framework, Arbitration: Practice and Enforcement of Awards', (2008) 74 Arbitration 237–46

- Matz-Lück, N., 'Promoting the Unity of International Law: Standard-Setting by International Tribunals', in D. König et al. (eds.), *International Law Today: New Challenges and the Need for Reform*? (2008), 99–121
- Miller, B., 'The State-to-Nation Balance: A Key to Explaining Difficulties in Implementing Peace: The Israeli–Palestinian Case', in G. Ben-Porat (ed.), *The Failure of the Middle East Peace Process? A Comparative Analysis of Peace Implementation in Israel/Palestine, Northern Ireland and South Africa* (2008), 39–69
- Mitoma, G. T., 'Civil Society and International Human Rights: The Commission to Study the Organization of Peace and the Origins of the UN Human Rights Regime', (2008) 30 *Human Rights Quarterly* 607–30
- Morgan, D., 'Dispute Settlement under PTAs: Political or Legal?', in R. Buckley, V. I. Lo, and L. Boulle (eds.), *Challenges to Multilateral Trade: The Impact of Bilateral, Preferential and Regional Agreement* (2008), 241–59
- Neff, S. C., 'Conflict Termination and Peace-Making in the Law of Nations: A Historical Perspective', in C. Stahn and J. K. Kleffner (eds.), *Jus Post Bellum: Towards a Law of Transition from Conflict to Peace* (2008), 77–91
- Nets-Zehngut, R., 'Passive Reconciliation in the Context of the Israeli–Palestinian Conflict', in G. Ben-Porat (ed.), *The Failure of the Middle East Peace Process? A Comparative Analysis of Peace Implementation in Israel/Palestine, Northern Ireland and South Africa* (2008), 178–94
- Nuyts, A., 'Suing at the Place of Infringement: The Application of Article 5(3) of Regulation 44/2001 to IP Matters and Internet Disputes', in A. Nuyts (ed.), *International Litigation in Intellectual Property and Information Technology* (2008), 105–30
- Nuyts, A., K. Szychowska, and N. Hatzimihail, 'Cross-border Litigation in IP/IT Matters in the European Union: The Transformation of the Jurisdictional Landscape', in A. Nuyts (ed.), *International Litigation in Intellectual Property and Information Technology* (2008), 1–47
- Orrego Vicuña, F., 'Arbitrating Investment Disputes: Issues of Jurisdiction', (2008) 2 World Arbitration and Mediation Review 69–87
- Palchetti, P., 'The Power of the International Court of Justice to Indicate Provisional Measures to Prevent the Aggravation of a Dispute', (2008) 21 *Leiden Journal of International Law* 623–42
- Patrick, S. 'A Return to Realism? The United States and Global Peace Operations since 9/11: Conclusion', in I. Johnstone (ed.), US Peace Operations Policy: A Double-Edged Sword? (2008), 116–31
- Pavón Piscitello, D., and G. Eugenio Andrés, 'The Conflict between Argentina and Uruguay Concerning the Installation and Commissioning of Pulp Mills before the International Court of Justice and MERCOSUR', (2007) 67 Zeitschrift für ausländisches öffentliches Recht und Völkerrecht 159–83
- Pentelovitch, N. H., 'Seeing Justice Done: The Importance of Prioritizing Outreach Efforts at International Criminal Tribunals', (2008) 39 *Georgetown Journal of International Law* 445–94
- Perito, R. M., 'Police in Peace and Stability Operations: Evolving US Policy and Practice', in I. Johnstone (ed.), *US Peace Operations Policy: A Double-Edged Sword*? (2008), 34–49
- Pertegás, M., 'The Appropriate Venue for Cross-border Patent Disputes: Heading (Far) West?', in A. Nuyts (ed.), *International Litigation in Intellectual Property and Information Technology* (2008), 89–104
- Philp, M., 'Peacebuilding and Corruption', (2008) 15 International Peacekeeping 310-27
- Pierola, F., 'Reflections on Selected DSU Review Proposals Having an Impact on the Functioning of the WTO Dispute Settlement System', in J. Streatfeild and S. Lacey (eds.), New

Reflections on International Trade: Essays on Agriculture, WTO Accession and Systemic Issues (2008), 169–97

- Ratliff, D., 'Dispute Resolution and Environmental Security', (2008) 20 Hague Yearbook of International Law 65–73
- Regan, A., 'The Bougainville Intervention: Political Legitimacy and Sustainable Peace-Building', in G. Fry and T. T. Kabutaulaka (eds.), *Intervention and State-building in the Pacific: The Legitimacy of 'Cooperative Intervention*' (2008), 184–208
- Rose-Ackerman, S., 'Corruption and Post-conflict Peace-Building', (2008) 34 *Ohio Northern University Law Review* 405–43
- Ruiz Fabri, H., 'La motivation des décisions dans le règlement des différends de l'OMC', in H. Ruiz Fabri and J. Sorel (eds.), *La motivation des décisions des juridictions internationales* (2008), 103–32
- Rynhold, J., 'Realism, Liberalism, and the Collapse of the Oslo Process: Inherently Flawed or Flawed Implementation?', in G. Ben-Porat (ed.), *The Failure of the Middle East Peace Process? A Comparative Analysis of Peace Implementation in Israel/Palestine, Northern Ireland and South Africa* (2008), IIII–32
- Sarjoh Bah, A., and K. Aning, 'US Peace Operations Policy in Africa: From ACRI to AFRICOM', in I. Johnstone (ed.), US Peace Operations Policy: A Double-Edged Sword? (2008), 101–15
- Savage, J., 'Investment Treaty Arbitration: An Asian Perspective', (2008) 2 World Arbitration and Mediation Review 43–68
- Seppälä, C. R., 'Obtaining the Right International Arbitral Tribunal: A Practioner's View', (2008) 25 International Construction Law Review 198–219
- Smith, J. MacCall, 'The Politics of Dispute Settlement Design: Explaining Legalism in Regional Trade Pacts', in J. Trachtman (ed.), *International Law and Politics* (2008), 509–52
- Smith, S., 'International Commercial Dispute Resolution', (2008) 42 International Lawyer 363–97
- Spadano, L. E. F. A., 'Cross-agreement Retaliation in the WTO Dispute Settlement System: An Important Enforcement Mechanism for Developing Countries?' (2008) 7 *World Trade Review* 511–45
- Stadlmeier, S., and F. Leidenmuehler, 'The Law of Occupation and Peace Support Operations: At Odds?', in R. Arnold (ed.), *Law Enforcement within the Framework of Peace Support Operations* (2008), 23–31
- Takasugi, N., 'E-Commerce and Dispute Resolution: Jurisdiction and Applicable Law in a Dispute Arising from a Computer Information Transaction', in T. Kubota (ed.), *Cyberlaw for Global E-business: Finance, Payments, and Dispute Resolution* (2008), 239–54
- Tercier, P., 'The ICC and the New Arbitration Centre in the World', (2008) 9 Journal of World Investment & Trade 109–12
- Todd, J., 'Identity Shift in Settlement Processes: The Northern Ireland Case', in G. Ben-Porat (ed.), *The Failure of the Middle East Peace Process? A Comparative Analysis of Peace Implementation in Israel/Palestine, Northern Ireland and South Africa* (2008), 195–216
- Torremans, P. L. C., 'The Widening Reach of Exclusive Jurisdiction: Where Can You Litigate IP Rights after GATT?', in A. Nuyts (ed.), *International Litigation in Intellectual Property and Information Technology* (2008), 61–77
- Vlahos, M., 'A "Post-hostilities" Moment?', in A. D. McIvor (ed.), *Rethinking the Principles of War* (2008), 345–59
- Wendlandt, M., 'SGS v. Philippines and the Role of ICSID Tribunals in Investor-State Contract Disputes', (2008) 43 *Texas International Law Journal* 523–59

- Weusmann, J., and L. Botha, 'The Reform of the SADC Dispute Settlement Mechanism: Observations and Lessons Learned from the Process', in T. Hartzenberg (ed.), *WTO Dispute Settlement: An African Perspective* (2008), 133–54
- Zaring, D., 'Rulemaking and Adjudication in International Law', (2008) 46 *Columbia Journal of Transnational Law* 553–611
- Zaum, D., 'The Security Council, the General Assembly, and War: The Uniting for Peace Resolution', in V. Lowe et al. (eds.), *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945* (2008), 154–74