INDEX

Abbreviations, Acronyms, and Short Forms Used: ASIL, American Society of International Law; EC, European Communities; ICC, International Criminal Court; ICJ, International Court of Justice; IR, international relations; NATO, North Atlantic Treaty Organization; NGO, nongovernmental organization; OECD, Organisation for Economic Co-operation and Development; POW, prisoner of war; *Rems.*, remarks; UN, United Nations; WTO, World Trade Organization.

Abaclat v. Argentina, 420-421 Abbott, Frederick M., Rems., 311-313, 319 Addis, Adeno, 67-68 Afghanistan, International Security Assistance Force (ISAF) operations, 159 African Union (AU), 179, 329-330, 333, 466 Agenda 21, 407 Aggression and use of force, 325-346 Agreement between the Government of Canada and the Government of the Republic of Venezuela for the Promotion and Protection of Investments, 6 Ahmed, Usman, Rems., 348-349 Adjudication, assessment of, 113-129 criminal tribunals, 122-125 ICJ, effectiveness of, 114-118 WTO DSS, 118-122, 126, 128 Al-Assad, Bashar, 110, 448, 449, 450, 451.460 Al-Assad, Hafez, 450-452 Al Bashir, Omar, 111, 125, 302 Aldis, William, 319 al-Hawsawi, Mustafa, 200, 207-208 Alien Tort Statute (ATS), 14, 145–147, 433, 435, 438, 439-440, 442-444 Al-Khasawneh, Awn, Rems., 445-468 Allen, Richard, 395 al-Odah, Tariq, 215 Alter, Karen, 127 Alvarez, José, 45 Amann, Diane Marie, 65–71 American Bar Association (ABA) Model rule 2.1, on relevance of international standards and human rights, 17 American Law Institute (ALI), 29 Guidelines Applicable to Court-to-Court Communications in Cross-Border Cases, 240 Restatements, 27-30

American Medical Association (AMA), 201.210 American Red Cross (ARC), 276–277 American Society of International Law (ASIL) Annual General Meeting, 501-502 Dispute Resolution Interest Group, 271 Officers and Executive Council, 509-510 108th Annual Meeting program, 469–495 Women in International Law Interest Group, 131-144 Amnesty Canada, 15–16 An Agenda for Peace (Boutros-Ghali), 272 Anaya, James, Rems., 3–5 Anglo-Ethiopian Treaty (1902), 297–298 An Inconvenient Truth (Gore), 410 Annan, Kofi, 175, 273, 456 Anti-Counterfeiting Trade Agreement (ACTA), 222, 319 Anti-Terrorism Act, 442 Apotex v. Wellcome, 312 Apple-Samsung dispute, 221-223 Arab League, 330, 466 ARA Libertad case, 360-361, 366 Arbitration Institute of the Stockholm Chamber of Commerce (SCC), 417 Arbour, Louise, 283-284, 288 Arctic Sunrise case, 360-361, 366 Arden, Mary, 138 Argentina-U.S. BIT, 189 Arizona v. United States, 436 Arms Trade Treaty (ATT), 334–335 Arusha Declaration of Commitments on the Role of Domestic Judge on the Application of International Human Rights Law at the Domestic Level (Tanzania) (2003), 261ASEAN (Association of Southeast Asian Nations) Agreement on Disaster Management and Emergency Response, 183

ASEAN-Australia-New Zealand FTA, 233 Ashcroft v. Iabal, 439-440 Asia-Pacific Economic Cooperation (APEC) Data Privacy Pathfinder, 356 Electronic Commerce Steering Group, 356 Assessing the Effectiveness of International Courts (Shany), 122 Atlanto-Scandian Herring arbitration, 421 Australia-Japan case, 393 Austria, 330, 333 AWG v. Argentina, 420, 422 Ayala, Ana S., Rems., 22-25 Azmy, Baher, Rems., 199, 201-217 Babington-Ashaye, Adejoké, 301-304 Banco Nacional de Cuba v. Sabbatino, 435 Bangladesh v. Myanmar, 362–363 Bank of Credit and Commerce International (BCCI), 33-35 Banks, Angela, 143 Ba Odah, Tariq, 201 Barr, Michael S., 31-33 Bastid, Suzanne, 131 Bates, Elizabeth Stubbins, Rems., 275-280 Bedjaoui, Mohammed, 426 Bell, Andrew, 370-373 Bell, H.C.P., 58 Bell Atl. Corp. v. Twombly, 439-440 Bemba, Jean Pierre, 43 Benito, Odio, 430 Bensouda, Fatou, 137-138, 432 Bernard, Vincent, Rems., 275-280 Bethlehem, Daniel, 193 BG Group PLC v. Republic of Argentina, 229 Bhagwati, P.N., 49 Bilateral investment treaties (BITs), 187-198, 254–256, 370–373 Bipartisan Trade Promotion Authority Act (2002), 238 Blackett, Adelle, 268 Blanchard, Sadie, 228-229 Blank, Laurie, Rems., 276-280 Blanke, Insa, 141 Blavatsky, Anna, 58 Boisson de Chazournes, Laurence, 293-297

Bookmiller, Kirsten Nakjavani, 173–177

Boutros-Ghali, Boutros, 272 Boyle, Alan E., 362 Bradley, Curtis A., 145-147 Brahimi, Lakhdar, 448 Brandeis Institute for International Judges, 399 Brillembourg, Clara, Rems., 131 Broecker, Christen, 287 **Brookings Institution**, 289 Brower, Charles, 228-229 Rems., 423-428 Brownlie, Ian, 327 Brown v. Board of Education, 439 Budayeva and Others v. Russia, 178 Buergenthal, Thomas, 69 "Building the Foundations for a Long-Term Development Partnership-The Construction Phase of ExxonMobil's Papua New Guinea Liquid Natural Gas Project" (Nelson and Valikai), 9 Burlington Resources, Inc. v. Republic of Ecuador, 426 Bush, George W., 458 Butler, Judith, 59 Byrd, Mary L., 139 Cahen, Daniel, Rems., 81, 83-105 Canada Agreement between the Government of Canada and the Government of the Republic of Venezuela for the Promotion and Protection of Investments, 6 compliance of utility doctrine with patent protection standards, 312-317 fair use law, 348 international human rights litigation in, 441 Uniform Electronic Commerce Act, 357 Carter, Barry E., In Memoriam, 503 Cassese, Antonio, 399 C.B. Muthamma v. Union of India, 261 Centennial of the Peace Palace, 401–402 Center for Constitutional Rights (CCR), 201 Cerna, Christina, 396 Chagos Archipelago case, 361-362 Charles N. Brower Lecture International dispute resolution, 219-242

Charles Taylor judgment, 107-109 Cheng, Bin, 190 Chesterman, Simon, Rems., 37-39 Chevron Corporation, Human Rights Policy, 8-10 Chevron Corp. v. Naranjo, 442 Chevron v. Ecuador, 14, 189, 247-248 Chilton, Adam S., 370, 373-376 China GHG emissions in, 181 OHCHR and, 283 Senkaku/Diaoyu Islands dispute with Japan, 364 China—Publications case, 352 Chinkin, Christine, Rems., 325-346 CIL Receptiveness Index (CRI), 381-382 Class Action Fairness Act (2005), 435 Climate change, 180-183 Clinton Administration, 318 Clodfelter, Mark, 188-190 Clopton, Zachary D., 433-436 CME v. Czech Republic, 188 CMS v. Argentina, 247 Colangelo, Anthony J., 436-439 Collins, Jeffrey S., 4, 8-11 Commonwealth Judicial Colloquium (1998), 261 Compliance and effectiveness, 168–172 Conduct of Hostilities (Dinstein), 90 Confederation of Trade Unions (Greece), 266-267 Conference of the Parties (COPs), 171 Congo, Democratic Republic of MONUSCO, 152-156, 161, 162 UNSC sanctions on, 48 Consumer protection, 353–357 Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD), 13, 17 Convention on Domestic Workers (ILO), 268 Convention on Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (AU), 179 Convention on the Law of the Sea (UN-CLOS). 28 assessment of effectiveness of dispute settlement system, 359-364

ITLOS provisional measures, 365–367

Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention), 295 Coomaraswamy, Radhika, 43-71 Copelon, Rhonda, 51 Cordonier-Segger, Marie-Claire, 398-399 Corell, Hans, 399 Corporate responsibility and human rights, 5 - 17introduction, 3-5 indigenous peoples and natural resource extraction, 3-4 responsibility to respect, 8-11 role of corporate counsel in mergers and acquisitions in developing countries, 15 - 17state duty to foreign investors under investment treaties, 5-7 state duty to protect rights of indigenous peoples, 5-7 UN Guiding Principles on Business and Human Rights, 3-5, 7, 9, 11-17 Côte d'Ivoire, 48, 284, 456 Countermeasures doctrine, in cyber context, 77 - 80Crawford, James, 193 Crimea, Russian annexation of, 37-42, 330 Cuba R. Co. v. Crosby, 438-439 Cubie, Dug, 176 Cyberspace, countermeasures doctrine in, 77-80 Daimler AG v. Bauman, 440-441 Dallah cases, 227, 234, 240

Datian cases, 227, 25 Das, Veena, 57

d'Aspropriet Ison 14

d'Aspremont, Jean, 165–168 Data visualization, 19–25

case law database project, 22–25

mind maps, 19–20

Rule of Law Index, 20–22

Davis, Kathryn, 141

Davis, Rachael, 4

Deakin, Simon, 267

- Declaration of the United Nations Conference on the Human Environment (UNEP), 407, 409
- Declaration on Fundamental Principles and Rights at Work (ILO), 12

Declaration on Principles of International Law Concerning Friendly Relations (1970), 332Delmas-Marty, Mireille, 68 Democratic Republic of Congo v. Uganda, 327-328, 345 Diallo case, 396 Dicker, Richard, 111-112 Digital MERCOSUR Programmes, Generating Trust in Electronic Commerce, 356 Dill, Janina, Rems., 81, 82-105 Diller, Janelle, 141 Dinstein, Yoram, Rems., 81, 84-105 Disaster risk reduction (DRR), 178 Dodd-Frank Wall Street Reform and Consumer Protection Act (2010), 31-35 Doe v. Unocal, 443 Domestic Constraints Index (DCI), 380-381 Domestic legal systems and international law, 376-382 IL friendliness and, 380-383 monist-dualist divide, 379-381 treaty-making and, 377-379 Domestic violence, 50–52 Donoghue, Joan E., 114-118, 132-133 Rems., 383, 384-402 Donovan, Donald Francis, Rems., 383-402, 445-468 Dougherty, J. Chrys, In Memoriam, 504-505 Draft Policy Paper on Sexual and Gender-Based Crimes (ICC), 432 Drage, Katherine, 139 DRC v. Uganda, 334, 342 Dreyfus, Rochelle, 315 Drones, 101-102 Drumbl, Mark, 69 Dublin Convention on Cluster Munitions. 98 Dublin Statement on Water and Sustainable Development, 286-288 Durkee, Melissa, 141 Earth Charter (2000), 407-409 eBay, Inc., 348-349 EC-Bananas dispute, 119, 121-122

E-commerce, 347–357 Economic and Social Council, 47–48

Economic Community of West African States (ECOWAS), 329 Small Arms Convention, 334 Economic sanctions, 38 Ecuador-U.S. BIT, 189, 190 Edwards, Christie, Rems., 132-144 Effectivity concept, 165-168 Electronic Signatures in Global and National Commerce Act (ESIGN), 357 Eli Lilly, 312-313, 316, 317, 318 Elizabeth I, Queen, 70 Emilio Augustín Maffezini v. Spain, 192 Epps, Valerie, 460-461 EU-Canada FTA (CETA), 231-233, 238 European Court of Human Rights (ECtHR), 126, 178, 186, 205, 216-217 European Journal of International Law, 132-133 European Patent Office (EPO), 314 European Research Council Frontier Research program, 113–114 European Stability Mechanisms Treaty, 267 European Union (EU), 192, 235, 320, 330, 333, 334 Explosive remnants of war (ERW), 92, 97-98 Extraterritoriality and U.S. state courts, 436-439 "False conflict" of laws, 436-439 FARDC (Armed Forces of the Democratic Republic of Congo), 153–156 Federal Arbitration Act (1925), 417-418 Federal Reserve Board, 34 Ferencz, Benjamin, 339, 445 Ferraro, Tristan, Rems., 149-163 Ferris, Elizabeth, 177-180 Fidler, David, 176 Fields, Marjory, 139-140 Filartiga v. Pena-Irala, 145-146, 442 Financial institutions, harmonized system for, 33-35 Fineman, Martha Albertson, 71 Fisher, David, 176 Fisheries Jurisdiction (UK/Germany v. Ice-

land), 189 Fitzmaurice, Gerald, 190 Foreign medical teams (FMTs), 173, 176-177 Foreign Sovereign Immunities Act (FSIA), 442 Foresti v. South Africa, 248-249 France arming of Syrian rebels, 333 Netflix strategy in, 355-356 pressure on Permanent Members, 450 Franck, Thomas, 310 Fredman, Sandra, 267 Frésard, Jean-Jacques, 279 Friedman, Thomas, 219 Fudge, Judy, 268 Fujimori, Alberto, 323 The Future (Gore), 410 Gabčíkovo-Nagymaros case, 190, 295, 408 Gaer, Felice D., 281-285 Gao, Henry, 350-352 Garland, David, 52 Gavouneli, Maria, 142-143 Gbagbo, Simone, 429 General Principles of Law as Applied by International Courts and Tribunals (Cheng), 190 Geneva Conventions, 200, 205, 371, 448-449, 458 Common Article 1, 334 Common Article 2, 277 Common Article 3, 98, 150, 151, 201, 203-204, 213-214, 216, 371 dissemination and training obligation, 275 - 280Geneva Conventions, Fourth Additional Protocol I, 82, 85-87, 90-91, 93 Additional Protocol II, 82, 277 Georgia v. Russia, 190 Germany-Pakistan BIT, 191 Gerrard, Michael B., 180-183 Ginsberg, Ruth Bader, 49 Giorgetti, Chiara, Rems., 411-412 Glamis Gold v. U.S., 311-312 Global administrative law (GAL), and postcrisis financial order, 31-33 Global Empowerment Network, 349 Global Health and Human Rights Law Database, 22-25

Goff, Diana, 140 Gold, Richard, 313-314, 316 Google, 348 Gorbachev, Mikhail, 274 Gore, Al, 410 Gowlland-Debbas, Vera, Rems., 445-468 Graham, David E., Rems., 275-280 Gray, Christine, 333 Great Lakes Charter, 433 Greece, global financial crisis, 266-267 "Greening" the economy and international law, 407-410 Gross, Richard, Rems., 81-105 Grosso, Gabriella, 141 Grotius, Hugo, 65, 67-70 Grotius Lecture commentary, 65-71 women and children, 43-65 Group of Eight (G-8), 38 Group of Twenty (G-20), 32-33 Group of 77 (G-77), 329-330 Guantánamo Bay detention camp (GTMO), force-feeding of detainees, 200-207 Guatemala, rights of indigenous peoples, 14 - 16Gutierrez, Brad, Rems., 277-280 Hague Conference on Private International Law, 357 Hague Convention on Choice of Court Agreements, 235-236 Hague Institute for Global Justice in The Hague, 395 Hakimi, Monica, 169 Hart, H.L.A., 192 Hathaway, Oona, xiii Helfer, Laurence, 127 Henkin, Louis, xiii, 168, 328, 338 Heyns, Johan, Rems., 154-164 Higgins, Rosalyn, 131 High Fructose Cane Sugar cases, 253-254, 256 Hill, Steven, 271–272 Hillman, Jennifer, 143 Hodgson, Mélida, Rems., 251-254 Holmes, Oliver Wendell, Jr., 438 Holtzmann, Howard, In Memoriam, 506-507 Horlick, Gary N., Rems., 347-348

Hoshinmaru case, 360 Hossain, Kamal, 407-410 Hrvatska Elektroprivreda v. Slovenia, 421 Hudbay Minerals case, 14–16 Human rights NGO, use of term, 10 Human Rights Watch, 458 Human trafficking, 61-62, 264-265, 442 Hunter, Martin, 422-423 Huntington, Samuel, 58 Huskey, Kristine, 211–212 Hyogo Framework for Action 2005-2015 (HF), 184-185 Ignatieff, Michael, 282 Rems., 445-468 India pharmaceutical "evergreening," 318-319 practice of sati, 57 Treaty Concerning the Integrated Development of the Mahakali River (1996), 295 India-Australia BIT, 230 India Mailbox case, 315 Indus Waters Kishenganga Arbitration (Pakistan v. India), 293-297 INSARAG Guidelines and Methodology, 175-176 Institut de Droit International, 27 Institute on Medicine as a Profession (IMAP), 201-202, 209 Intellectual property rights, transnational protection of in absence of contractual relationship, 220-224 convergence of dispute resolution processes, 236-241 convergence of substantive law, 241 harmonization of laws, 234-236 investment chapters in trade agreements, 311-320 protection through contracts, 224-228 use of arbitration and treaty rights to protect investments, 228-233 Inter-Agency Standing Committee (IASC) IASC Gender Handbook on Humanitarian Action, 178-179 Operational Guidelines on Protection of Persons in Situations of Natural Disas-

Inter-American Court of Human Rights (IACHR), 324 Internal Displacement Monitoring Centre, 179 International Bar Association (IBA) Guidelines on Conflicts of Interest in International Arbitration (IBA Guidelines) (2014), 416-418, 420, 425-426 working group on Guiding Principles, 17.240 International Bill of Rights, 12 International Centre for Settlement of Investment Disputes (ICSID), 230-233, 237-238, 256, 258, 311, 411-416, 424-426 International Chamber of Commerce Incoterms rules, 241 International Court of Arbitration, 424 International Committee of the Red Cross (ICRC), 93, 201, 203, 212, 214, 275-280 Health Care in Danger Campaign, 280 How Does Law Protect in War? casebook, 95, 97, 102 IHL applicability to multinational forces, 150-151, 159, 161, 163 relationship to UN, 158 International Consumer Protection and Enforcement Network (ICPEN), 356 International Convention for the Regulation of Whaling, 363 International Council for Commercial Arbitration (ICCA), 237 International Court of Justice (ICJ), 29, 46, 78, 114–118, 190, 265, 273–274, 363, 383-402, 408 International Covenant on Civil and Political Rights (ICCPR), 264, 444 International Criminal Court (ICC), 49, 51-53, 70-71, 123-125, 449 in age of accountability, 301-304 Assembly of States Parties, 303 attempts to refer Syrian situation, 303, 460Draft Policy Paper on Sexual and Gender-Based Crimes, 432 ICJ judges, plenary discussion on, 391-

392

ters, 178-180

jurisdiction tied to Great Powers, 111-112 legitimacy and prosecutorial discretion, 304-310 Office of the Prosecutor (OTP), 304–305, 309-310 Pre-Trial Chamber, 304 Rome Statute, 54, 60, 85, 161, 162, 301-304, 308, 391, 430-432 sexual and gender-based violence (SGBV), 429-432 UNSC failure to refer Syrian case to, 109 - 112International criminal law Charles Taylor judgment, 107-109 legitimacy and prosecutorial discretion, 304-310 politicization of ICC, and role of UNSC, 301-304 International Criminal Tribunal for Rwanda (ICTR), 397-398, 429 International Criminal Tribunal for the Former Yugoslavia (ICTY), 108, 111, 205, 213, 397-398 International dispute resolution, 271-274 International External Classification (IN-SARAG), 176 International Federation of Consulting Engineers (FIDIC), 241 International Federation of the Red Cross, 176 International humanitarian law (IHL) dissemination and training obligation, 275-280 multinational forces in armed conflict and. 149-163 proportionality principle, 81-105 International human rights law, 93-96, 178-179 International investment agreements (IIAs), 196-198 International Investment Arbitration: Substantive Principles (McLachlan), 425 International investment disputes, challenges of arbitrators, 411-427 International investment law, 251-258 International investment treaties, and hu-

International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations, 266-267, 269 Committee on Freedom of Association, 266 Constitution, 265–266 Convention on Domestic Workers, 268 Declaration on Fundamental Principles and Rights at Work, 12 Discrimination (Employment and Occupation) Convention, 266-267 Equal Remuneration Convention, 266 Gender, Equality and Diversity Branch, 268 Gender Equality at the Heart of Decent Work, 268 Global Employment Trends for Women 2014, 268 International Labour Law and Domestic Law, 268 NORMLEX database, 268 women's economic rights, 265-269 International law compliance and effectiveness, 168-172 domestic legal systems and, 376-382 effectiveness of, 403-406 effectivity concept, 165-168 "greening" the economy and international law, 407-410 Internet and, 347-357 Syria, and effectiveness of, 445-468 women and children in, 43-65 International law, empirical perspectives, 369-382 domestic systems and, 376-382 LOAC training at U.S. Military Academy and Army ROTC, 370-373 new empiricism in, 369-370 U.S. BITS and foreign policy, 370-373 International Law Association (ILA) Committee on the Use of Force, 325, 333 New Delhi Declaration, 408, 409 108th Annual Meeting program, 469–495 International Law Commission (ILC), 27, 29 Draft Articles on the Protection of Persons in the Event of Disasters, 177, 184, 186

man rights, 5-7

planned measures, defined, 294 Study Group on Fragmentation, 246-247 International norms, U.S. state litigation of, 433-444 extraterritoriality and "false conflicts" of law in U.S. state courts, 436-439 global litigation and local judgment enforcement, 439-442 horizontal/vertical dimensions, 433-436 next phase of human rights litigation, 442-444 International Petroleum Industry Environmental Conservation Association (IPIECA), 9-10 International Search and Rescue Advisory Group (INSARAG), 173-177 International trade law, and international investment law, 251-258 International Tribunal for the Law of the Sea (ITLOS), 360-363, 365-367 International Wills Convention, 433 Internet and international law, 347-357 consumer protection in trade regime, 353-357 eBay, Inc., 348-349 Global Empowerment Network, 349 WTO law, 350-352 Internet Telecom Union (ITU), 348 Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations (1998), 184 Investment chapters in trade agreements, 311-320 Investor-state dispute settlement (ISDS), 188-198, 255 interpretational methods as instrument of control, 196-198 non-disputing party submissions, 193-196 state duty to cooperate, 188-190 trend from standards to rules, impact of, 191 - 193Iraq invasion, U.S. led, 38-41 Isabella, Queen, 70

Israel fair use law, 348 Final Status Agreement (Oslo Accords), 298 - 300National Water Carrier, 298–299 Jacobs, Michelle, 345 Jansen, Nani, 142 Japan, Senkaku/Diaoyu Islands dispute with China, 364 Jayawardena, Kumari, 58 Jaynes, Andrew, 142 Jobs, Steve, 221 Johnson, Larry, xiii Johnstone, Rachael, 141 Journal of World Energy Law and Business, study on oil and gas companies, 10 Jurasz, Olga, 429–432 Juratowitch, Ben, 4, 5-7 Jus ad bellum, 150-152 Jus in bello, 151-152 Just Security (blog), 328 Kabuga, Felicien, 123-124 Kälin, Walter, 177 Kaminski, Margot, 319 Kanayshens, Rot, 142 Kang, Grace, 342 Kant, Emanuel, 197 Karamanian, Susan, 504-505 Katoch, Arjun, 175 Keith, Kenneth, 73-76, 400 Keitner, Chimène, 139 Kelsen, Hans, 192, 272 Kennedy, Anthony, 146 Kennedy, David, 50 Kerry, John, 327, 343, 449, 462 Khalil, Mona, *Rems.*, 152–163 Kidane, Won, 271–272 Kinnear, Meg, 412-416, 422 Kiobel v. Royal Dutch Petroleum, 146-147, 438-440, 442-444 Klein, Natalie, 359-364 Koh. Harold, 171 Rems., 325-346 Kosovo, NATO intervention, 37-41 Kreß, Claus, Rems., 325-346 Kristoff, Nicholas, 61 Ku, Julian, 434

Kumar, Shashank, 132–133 Kurtz, Jürgen, 243–246 Kyoto Protocol, 180 Lachelier, Suzanne, 211 Lachs, Manfred, 394 Lake Lanoux case, 189-190, 295 Land Reclamation case, 365–366 Lasso, José Ayala, 284 Latin America, transitional justice initiatives, 322-324 Lauder v. Czech Rep., 233 Law of armed conflict (LOAC) training, 370-373 The Law of War and Peace (Grotius), 69-70 Law Society of England and Wales, Business and Human Rights Advisory Group report, 17 Lehman Brothers, 33-35 Lesotho Treaty on the Lesotho Highlands Water Project (1986), 294 Levine, Judith, 419-423 Lexis-Nexis, 19 Libya, 285 dispute with Chad, 273 multinational forces in military operations, 41, 149 NATO forces in, 40, 153, 158 referral to ICC, 111, 301-304 selective accountability and, 60 Lietzau, William, Rems., 199, 205-217 Lisbon Treaty (2009), 255 Liversidge v. Anderson, 262 Local judgment enforcement of global litigation, 439-442 Loewen Group v. United States, 229, 230 London Court of International Arbitration (LCIA), 237, 417, 424 Lotus case, 73 Low, Lucinda, 143 Lowe, Vaughan, 193 Lubell, Noam, Rems., 325-346 Mabo v. Queensland, 261 Macak, Kubo, 340 Macey, Jonathan, 33–35

Malaysia-New Zealand FTA, 233 Mali MINUSMA, 154, 158 Operation Serval, 158 Malkina, Julia, 137–138 Mälksoo, Lauri, 399 Mani, Lata, 57 Manohar, Sujata, Rems., 259-262 Mbeki, Thabo, 60 McCaffrey, Stephen C., 296-300 McCann case, 93 McGregor, Lorna, 321 McLachlan, Campbell, 424-425 McLeod, Mary, 137 Meeran, Richard, 441 Mekong River Agreement (1995), 294 Memorial notices, 503-508 Menon, Sundaresh, 219-242, 418 MERCOSUR, 356 Merry, Sally, 50, 62 Metalclad v. Mexico, 245 Methanex v. U.S, 243 Meyer, Timothy, 168–172 Middle East, water scarcity and security issues in, 297-300 Migrant women's economic rights, 262-265 Millennial Development Goals, 63-64 Mind maps, 19-20 Ministry of Home Affairs v. Fisher, 260 MINUSMA (United Nations Stabilization Mission in Mali), 154, 158 Mitchell, Andrew, Rems., 251 Momdani, Mahmood, 60 Montt, Rios, 323 MONUSCO (United Nations Organization Stabilization Mission in the Democratic Republic of Congo), 152-156, 161-163 Morrison v. Nat'l Australia Bank Ltd., 440 Most-favored nation (MFN) clauses, 188, 230, 232-233, 351, 424-425 MOX Plant case, 361, 365-366 Muñoz-Rojas, Daniel, 279 Murillo Saldias and Others v. Spain, 178 Murphy, Sean, Rems., 325-346 Mustill, Michael John, 226 MV Mavi Marmara case, 364 M/V Saiga (No. 2) case, 366

Machel, Graca, 54 Malaysia, 347–348 Nanda, Ved, 395 Nandy, Ashis, 57 Natural disasters and international norms, 173 - 186climate-based disasters, 180-183 human rights law, 177-180 urban search and rescue, 173-177 Negroponte, Nicholas, 353 Nelson, Jane, 9 Nepal Treaty Concerning the Integrated Development of the Mahakali River (1996), 295 Netflix, 355-356 Netherlands, 330, 441 New Delhi Declaration on the Principles of International Law Related to Sustainable Development (New Delhi Declaration) (ILA), 408–409 New Zealand, court approach to foreign affairs and national security, 73-76 Ní Aoláin, Fionnuala, xiii, 69, 211 Nicaragua case, 98, 132, 327-329, 332-333, 342, 451, 454 Nietzsche, 63 Nifosi-Sutton, Ingrid, Rems., 183-186 Nile River Basin Cooperative Framework Agreement, 297–298 Nile Waters Agreement (1929), 297-298 Nolte, Georg, Rems., 27-30 North American Free Trade Agreement (NAFTA), 188, 229, 245, 253-254, 311-312, 314, 316-317 North Atlantic Treaty Organization (NATO), 37-42, 153, 158-159, 337 North Korea (DPRK), and OHCHR, 283 Novartis AG v. Union of India, 222 Nyiramasuhuko, Pauline, 429 Obama Administration, 38, 201 Ocampo, Luis Moreno, 308 O'Connor, Sandra Day, 136, 138 Office of the High Commissioner for Human Rights (OHCHR), 282-285, 289 O'Flaherty, Michael, 285-288 Olcott, James, 58 Olson, Peter M., Rems., 39-42

108th Annual Meeting program, 469–495 Óneryildiz v. Turkey, 178 Operation Desert Storm, 92 Organisation for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 13, 17 Guidelines on Consumer Protection in the Context of Electronic Commerce, 357 Organization of Islamic States, 467 O'Rourke, Catherine, 322 Ossom, Aminta, 142 Oswald, Bruce, Rems., 149-163 Ottawa Convention on Anti-Personnel Landmines, 98 Otto, Dianne, 69 Owada, Hisashi, 399 Owens, Rosemary, 268 Palestine, Final Status Agreement (Oslo Accords), 298-300 Paparinskis, Martins, 246-249 Pasvolsky, Leo, 403 Pauwelyn, Joost, 254-258 Payment Fairness Act, proposed, 259 PayPal, 348 Peace support operations (PSOs), 149–163 Pellet, Alain, 392-393 People's Union for Civil Liberties v. Union of India, 260-261 Perenco Ecuador Ltd. v. Republic of Ecuador, 425-426 Perfect Compliance Fallacy (Spiro), 169 Perina, Alexandra H., Rems., 77-80 Permanent Court of Arbitration (PCA), 411, 419-424, 426 Permanent Court of International Justice (PCIJ), 401 Peru, 348 Peskin, Victor, 113, 122-125 Pfizer cases, 443 Philip C. Jessup Moot Court Competition, 495-499 Philippines v. China, 361, 362, 364 Phillip Morris, 252, 317 Philosophical Investigations (Wittgenstein), 192 Piccone, Ted, 288-291 Pictet, Jean, 204, 206, 217

Pillay, Navi, 283-284, 286

Pinto, Monica, 143 Ponce, Alejandro, Rems., 20-22 Power, Samantha, 327, 343 Private economic rights, transnational protection of, 219-242 Prominent Woman in International Law Award, 131 Proportionality principle, simulation panel discussion, 81-105 Prosecutor v. Akayesu, 49, 429 Prosecutor v. Furundžija, 429 Prosecutor v. Galić, 97 Prosecutor v. Gotovina, 83 Prosecutor v. Katanga, 430-431 Prosecutor v. Kunarac, 49 Prosecutor v. Lubanga, 430-431 Prosecutor v. Mbarushimana, 431 Prosecutor v. Muthaura, 431–432 Prosecutor v. Nyiramasuhuko, 429 Prosecutor v. Šešelj, 422 Protect Intellectual Property Act (PIPA), defeated bill, 319 Pulp Mills case, 296 Putin, Vladimir, 38-40, 458 Rader, Randall, 240 Raisch, Marylin Johnson, 140 Rems., 19 Ramcharan, Bertie, 284 Raoul Wallenberg Institute, 399 Rappaz v. Switzerland, 205, 216-217 Rasul v. Bush, 201 Rausch, Colette, 321 Rayfuse, Rosemary, 142 Realizing Utopia (Cassese), 399 Rebel movements, arming of, 325-346 Redfern, Alan, 422-423 Regina vs. Secretary of State for Home Department, Ex-parte McQuillan, 261 Reichman, Jerome H., 313-317 Restatement of Foreign Relations of the United States, Fourth (ALI), 27-30 Restatement of Foreign Relations of the United States, Third (ALI), 27, 28 Ring fencing practice, with failed banks, 33-35 Rio Declaration on Environment and Development, 407-408 Rio Earth Summit (1992), 407

Ritter, Jeffrey B., Rems., 19-20 Robertson, Cassandra Burke, 435, 439–442 Robinson, A.N.R., 445 Robinson, Mary, 283, 284 Rodley, Nigel, 52 Rems., 199-217, 343 Rolland, Sonia E., 353-357 Roop Kanwar sati death, 57 Rorty, Richard, 55 Rose, Cecily, 132–133 Rosenfeld, Friedrich, 191-193 Rosoboronexport, 449 Roth, Ken, Rems., 445-468 Rovine, Arthur, 506–507 Rubesame, Anne, 139 Ruggie, John, 3, 8, 10, 11 Ruiz, Walter, Rems., 199-217 Rule of Law (RoL) initiatives, 322-324 Russia annexation of Crimea, 37-42, 330 OHCHR and, 283 Syrian conflict, 448-449 Safe Web Act (2006), 356 Saipem v. Bangladesh, 230 Salazar, Katya, Rems., 322-324 Sartori case, 190 Schabas, William, 304 Schmitt, Michael N., 77-79 Schrimpf, Anna, 370 Schwartz, Eric P., 262-265 Schwebel, Stephen, Rems., 271, 273-274 Scott, James Brown, 69 Sebutinde, Julia, 134-136 Rems., 383, 386-402 Seck, Sara L., 4, 11–14 Sell, Susan K., Rems., 317-320 Seneca, 65 Sequihua v. Texaco, Inc., 435 Sexual and gender-based violence (SGBV), 108-109, 429-432 Shaffer, Gregory, 369-370 Shany, Yuval, Rems., 113-114, 116-117, 124-127 Sharpe, Jeremy K., 193-196 Shaw, Malcolm, 333, 340-341 Sheppard, Coleen, 268 Sherman, John F., III, 4, 15–17

Shift, on costs of conflict in the extractive industry, 16 Shin, Hi-Taek, Rems., 187-188 Shlomo-Agon, Sivan, 113, 118–122 Shoemaker, Jolynn, 271-272 Short, Michael, 314, 316 Sikkink, Kathryn, 53 Simma, Bruno, 195, 247 Simmons, Beth, 171 Singapore, 347 Singapore International Arbitration Forum (2013), 236 Singapore International Commercial Court, 239 Slaughter, Anne-Marie, 58-59, 63 Sobota, Luke A., Rems., 416-419 Solzhenitsyn, Aleksandr, 39 South Africa pharmaceutical importation, 318, 319 Treaty on the Lesotho Highlands Water Project (1986), 294 Southern Bluefin Tuna case, 361, 366-367 Spain, Anna, 271–272 Special Rapporteur on the Rights of Indigenous Peoples report (2013), 5, 6, 12 Spiro, Peter, 169, 435 Spivak, Gayatri, 57, 62, 67 State-owned enterprises (SOEs), and R2P, 13 Steger, Debra, 243-244 Stephens, Beth, 442-444 Stewart, David P., 503 Stop Online Piracy Act (SOPA), defeated bill. 319 Stout, Robert, 73 Strong, Maurice, 407-409 Substantive Patent Law Treaty (SPLT), proposed, 315 Syria attempts to refer Syrian situation to ICC, 303, 460 death and atrocity toll, 65, 284 effectiveness of international law and, 445-468 Hama massacre (1982), 451-452 OHCHR and, 284 UNSC failure to refer Syrian case to ICC, 109-112 Systemic integration and VCLT, 243-249

Tallinn Manual on the International Law Applicable to Cyber Warfare (Schmitt), 78 Taming Globalization (Yoo and Ku), 434 Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations (1998) (ITU), 184 Tanaka, Yoshifumi, 365–367 Taylor, Charles, 107–109 Technology patents industry, 221 Teklè, Tzehaines, 268 Temple of Preah Vihear case, 273 Thompson, Tyler, 461 Tiruchelvam, Neelan, 64-65 Tiruchelvam, Sithie, 64-65 Tomka, Peter, 137 Torture hunger strike forced feeding as, 199-217 WMA Guidelines for Physicians Concerning Torture and Other Cruel, Inhuman and Degrading Treatment, 203, 206 Torture Victim Protection Act (TVPA), 145-147, 442 Total v. Argentina, 245-246 Trafficking Victims Protection Act (TVPA), 264–265, 442 Transatlantic Trade and Investment Partnership (TTIP), 255, 312, 317, 320, 356 Transitional justice (TJ), 322-324 Trans Pacific Partnership (TPP), 312, 317, 320, 356 Treaty Concerning the Integrated Development of the Mahakali River (1996) (India/Nepal), 295 Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, 267 Treaty on the Cooperative Development of Water Resources of the Columbia River Basin (1961), 294 Treaty on the Lesotho Highlands Water Project (Lesotho/South Africa), 294 Treaty Receptiveness Index (TRI), 380-382 Trebilcock, Anne, 265-269 Trooboff, Peter D., 508 Troop-contributing countries (TCCs), 158-159

Türk, Danilo, 403–406

- Turku Declaration of Minimum Humanitarian Standards, 96
- Ukraine
 - Russian annexation of Crimea, 37–42, 330
- Ulfstein, Geir, Rems., 125-129
- UNCITRAL (United Nations Commission on International Trade Law), 258, 311– 312
 - arbitrator disqualification proposals, 417 Incoterms rules, 241
 - Model Law on Cross-Border Insolvency, 240
 - Model Law on Electronic Commerce (1996), 357
 - Rules of Arbitration, 419-420
- UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), 201
- UN Convention Against Transnational Organized Crime
 - Protocol to Prevent, Suppress and Punish Trafficking in Persons, 264
- UN Convention on Certain Conventional Weapons (CCW), 92, 97–98
- UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 45–46, 49–50, 53–54, 178, 267, 335
- UN Convention on the Elimination of Racial Discrimination (CERD), 7, 248
- UN Convention on the Law of the Nonnavigational Uses of International Watercourses (Watercourses Convention) (1997), 294, 299–300
- UN Convention on the Law of the Sea (LOSC), 365, 367
- UN Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG), 46
- UN Convention on the Protection of Persons with Disabilities (2006), 177
- UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention) (1958), 224, 227, 234–235

- UN Convention on the Rights of the Child (CRC), 45–46, 53
- UN Convention on the Safety of UN and Associated Personnel (1994), 161–163
- UN Convention on the Use of Electronic Communications in International Contracts (2005), 357
- UN Convention Relating to the Status of Refugees (1951), 263
- UN Declaration on the Elimination of Violence Against Women (DEVAW), 46– 47, 54
- UN Economic and Social Council (ECOSOC)

Committee on Economic, Social and Cultural Rights, 285

- UN Framework Convention on Civil Defence Assistance (2000), 183
- UN Group of Governmental Experts Report (GGE Report), 77–78
- UN Guiding Principles on Business and Human Rights, 3–5, 7, 9, 11–17
- UN Human Rights Commission (UNHCR), 54–55
 - Age, Gender, Diversity Mainstreaming Initiative (2004–2006), 263
 - Five Commitments to Refugee Women, 263–264
 - Handbook on Protection for Refugee Women and Girls, 263
- UN Human Rights Council, 449
- UN human rights protection machinery, 281–291
 - High Commissioner, role of, 281–285, 287–288
 - Special Procedures, 288–291
 - strengthening of treaty bodies, 285–288 Universal Periodic Review, 290
- UN Intergovernmental Panel on Climate Change, 297, 410

Impacts, Adaptation, and Vulnerability report (2014), 181–183

- UN Refugee Convention, 264
- UN Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, 6–7
- UNICEF (United Nations Children's Fund), 48, 50

Uniform Electronic Transactions Act (UETA), 357 United Kingdom arming of Syrian rebels, 333 United National Department of Peacekeeping Operations (UNDPKO), 149-163 United Nations Charter, 154, 219, 271-272, 301–302, 452–453, 464, 466 Article 2(4), 332, 337, 454, 458-459 collective security system, 37-42 effectiveness of, 403-404 Syrian conflict and, 447, 450 use of force, 333, 335 United Nations Commission on Human Rights Guiding Principles on Internal Displacement, 178-179 United Nations Committee on Economic, Social and Cultural Rights (CESCR), 24 United Nations Development Programme (UNDP), 48, 50 United Nations Disaster Assessment and Coordination (UNDAC) framework, 174-175 United Nations Economic and Social Council (ECOSOC) Commission on the Status of Women, 53, 59-60 United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), 48, 50 United Nations Environment Programme (UNEP), 409 United Nations Framework Convention on Climate Change (UNFCCC), 180–182 United Nations General Assembly (UNGA) ad hoc tribunals, 450 Poznan Formula, 288 Resolution 66/254, 286-288 Resolution 3314, 327 Uniting for Peace concept, 458, 461-464, 467 United Nations High Commissioner for Human Rights: Conscience for the World (Gaer and Broecker), 281 United Nations Human Rights Commission, 451

United Nations Human Rights Council (UNHRC), 47, 177, 335 Commission of Inquiry on Syria, 449 Kirby Commission of Inquiry, 283 UN Guiding Principles on Business and Human Rights, 3-5, 7, 9, 11-17 United Nations Provisional Central Product Classification (CPCprov), 350-351 United Nations Security Council (UNSC), 273, 333, 344, 404, 462–463, 466–467 in age of accountability, 301-304 Children and Armed Conflict mandate, 48. 54. 60. 70-71 DDR (disarmament, demobilization, and reintegration), 334 failure to refer Syrian case to ICC, 109-112 OHCHR and, 284-285 Permanent Members, 450, 464, 466 Protection of Civilians mandate, 48, 334 Resolution 46/182, 174 Resolution 57/150, 175-177 Resolution 1244, 40-41 Resolution 1325, on Women, Peace and Security, 264, 387 Resolution 1973, 40, 457 Resolution 2083, 335 Resolution 2098, 154-155 Resolution 2118, 446-448, 450, 454-455, 460 Resolution 2139, 446-448, 454-455, 460 Resolution 2147, 154-155 Russia's violation of Article 2(4), 37-39 Sexual Violence during Armed Conflict mandate, 48 tribunals, effectiveness of, 123-124 United States BITS and foreign policy, 370–373 fair use and secondary liability, 347 utility doctrine, 314-317 United States-Measures Affecting the Cross-Border Supply of Gambling and Betting Services, 354 United States Trade Representative (USTR), 319 Unity Dow v. Att'y Gen. of Botswana, 49 Universal Declaration of Human Rights, 352 Universal Rights Group, 289

University of California Irvine Law Review 2013 issue on human rights litigation in state courts, 433 Urban search and rescue (USAR), 173-177 Urbaser S.A. v. Argentine Republic, 424-425 U.S. Army Battlefield Ethics Survey, 372 LOAC training of ROTC members, 370-373 U.S. Defense Department, 202, 205-206, 214-215 U.S.-Dominican Republic-Central American FTA, 238 U.S. Federal Trade Commission, 356 U.S.—Gambling case, 351, 352, 355 U.S. Immigration and Customs Enforcement, 206 U.S. Military Academy (USMA), 370-373 U.S. Model BIT, 191, 238 U.S. Senate, passage of BITS, 374-375 U.S.-Singapore FTA, 231-233 U.S. states' litigation of international norms, 433-444 Use of force, and aggression, 325-346 Vagts, Detlev, In Memoriam, 508 Valikai, Kara, 9 van Aaken, Anne, 196-198 VanLandingham, Rachel, Rems., 199, 204-217 Varaki, Maria, 304-310 Veláquez Rodríguez case, 51 Venezuela Agreement between the Government of Canada and the Government of the Republic of Venezuela for the Promotion and Protection of Investments, 6 Verdier, Pierre-Hugues, 369, 376–382 Versteeg, Mila, 369, 376–382 Victor Pey Casado v. Republic of Chile, 426 Vicuña, Francisco Orrego, 426 Vienna Convention on the Law of Treaties (VCLT), 7, 187-188, 190, 193, 197-198, 243-249, 297-298 Vieira de Mello, Sergio, 284 Vishakha v. State of Rajasthan, 49, 260-262 Vosko, Leah F., 268

Wall case, 464 War crimes, sexual violence during Sierra Leone civil war, 108–109 Water law and policy, 293-300 environmental flows and international watercourses, 293-297 water scarcity and security issues in Middle East, 297-300 Wedgwood, Ruth, 137 Werbel, Julie, 321-322 Westlaw, 19 Wexler, Lesley, 211 Whaling in the Antarctic case, 363 White Industries v. India, 230 Who's in Charge of Global Finance? (Barr), 32 Williams, Abiodun, Rems., 383-402 Wittgenstein, Ludwig, 192 Wojcik, Mark, 392 Women and children, in international law, 43 - 65introduction, 43-44 backlash against human rights movement, 54-60 commentary, 65-71 reflections on way forward, 60-64 rights impact on, 44-54 Women in international law, 131-144 Women's economic rights and financial crisis, 259-269 migrant women, 262-265 using ILO sources for, 265-269 Wood, Jeanne, 461 World Bank, 50, 319 Red Sea-Dead Sea Conduit, 299 World Conference of Women (1995), 59 World Conference on Human Rights (1993), 259World Health Organization (WHO), 176, 319 World Intellectual Property Organization, 319 The World Is Flat (Friedman), 219 World Justice Project, Rule of Law Index, 20 - 22World Medical Association (WMA), 201 Declaration of Malta on Hunger Strikers, 203-204, 206

Guidelines for Physicians Concerning Torture and Other Cruel, Inhuman and Degrading Treatment, 203, 206 World Summit Outcome Document (2005), 179, 329, 454, 461 World Trade Organization (WTO) Agreement on Trade-Related Intellectual Property Rights (TRIPS), 314-317 Agreement on Trade-Related Investment Measures, 243-246, 252-254 Appellate Body, 238, 253, 315, 352, 355 consumers as third-party beneficiaries, 355-356 Development Agenda, 319 Dispute Settlement Body (DSB), 118-122, 126, 128, 252-253 Doha Declaration, 330 General Agreement on Tariffs and Trade (GATT), 252-254, 256, 350, 355 General Agreement on Trade in Services (GATS), 245-246, 257-258, 350-352, 355

Internet and international law, 350-352 Sanitary and Phytosanitary (SPS) Agreement, 352 Telecommunication Services Reference Paper, 352 Understanding on the Settlement of Disputes (DSU), 315 World Trustmark Alliance, 357 Wouters, Patricia, 189 Wynter, Sylvia, 57 Xue Hanqin, 133-134 Rems., 383, 385-402 Yahoo! 354 Yahoo! Inc. v. La ligue contre le racisme et l'antiseámitisme, 149 Yeazell, Steven, 439 Yoo, John, 434

Zenakis, Stephen, *Rems.*, 199, 202–217 *Zivotofsky ex rel. Zivotofsky v. Clinton*, 436 Zwanenburg, Marten, *Rems.*, 151–163