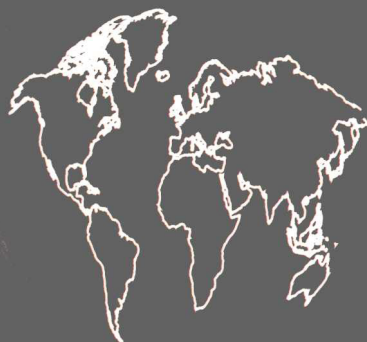




ROUTLEDGE  
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# Routledge Handbook of International Law

Edited by David Armstrong

# Routledge Handbook of International Law

*Edited by* David Armstrong

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# Routledge Handbook of International Law

*Routledge Handbook of International Law* provides a definitive global survey of the interaction of international politics and international law. Each chapter is written by a leading expert and provides a state-of-the-art overview of the most significant areas within the field.

This highly topical collection of specially commissioned papers from both established authorities and rising stars is split into four key sections:

- **The Nature of International Law** including the interaction between the disciplines of international law and international relations
- **Evolution of International Law** progressing from the ancient world to present day
- **Law and Power in International Society** discussing topical issues such as the war in Iraq and the international criminal court
- **Key Issues in International Law** including international refugee law, indigenous rights, intellectual property, trade and the challenges presented by 'new terrorism'

A comprehensive survey of the state of the discipline, *Routledge Handbook of International Law* is an essential work of reference for scholars and practitioners of international law.

**David Armstrong** is Emeritus Professor of International Relations at the University of Exeter. His research interests include the historical evolution of international legal norms and institutions. He is the author and co-author of a number of books and was formerly editor of the *Review of International Studies*.

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# Preface

The *Handbook of International Law* brings together contributions from authors from all five continents, including some of the most eminent international lawyers, as well as specialists in international relations, political science and philosophy. Our authors were invited to set out what they saw as the key issues involved in the many distinct aspects of international law that are considered here at what is a particularly fascinating point in the discipline's long evolution, with enormous challenges and opportunities coexisting in roughly equal amounts.

A great many people have assisted, inspired, enthused (and tolerated) our authors. We would particularly like to mention the generous support of the EU Network of Excellence on Globalisation and Regional Governance (GARNET) for the task of editing this work. Maggie Armstrong and Jocelyn Vaughan have provided absolutely invaluable research and editing assistance. We are also grateful to Craig Fowlie, Nicola Parkin and Antonia Edwards at Taylor & Francis for responding to our occasionally anxious queries.

Our authors would also like the following to receive special mention for their research assistance, comments, feedback and many other kinds of help: Annette Bazira-Okafor, Benjamin Bohris, Professor B.S. Chimni, the CISDL research group, William Currie, Kristina Davies, John S. Duffield, Theo Farrell, Richard Friman, Carlos Iván Fuentes, Evan Haas, J. Ryan Hall, Professor J.C. Hathaway, Mary Beth Hickcox-Howard, Katherine Nobbs, Mbabazi Okafor, Ojiako Okafor, Matthew Wooten and audiences at American University-Cairo, the Latin American Studies Association meeting in Montreal and law schools at the Universidad de Los Andes (Bogotá), the University of Texas and Harvard University.

# List of abbreviations

AA	American anthropologist
ADCL	Anuario de Derecho Constitucional Latinoamericano
AHR	American Historical Review
AIPLAQJ	American Intellectual Property Law Association Quarterly Journal
AJCL	American Journal of Comparative Law
AJIA	Australian Journal of International Affairs
AJICL	Arizona Journal of International and Comparative Law
AJIL	American Journal of International Law
AJP	American Journal of Philology
ALR	Akron Law Review
AMR	Academy of Management Review
ANAAPSS	Annals of American Academy of Political and Social Science
APSR	American Political Science Review
ARIPO	African Regional Industrial Property Organization
ARLSS	Annual Review of Law and Social Science
ASIL	American Society of International Law
ASILP	American Society of International Law Proceedings
AUILR	American University International Law Review
AUJILP	American University Journal of International Law and Policy
AULR	American University Law Review
AV	Archiv des Völkerrecht
B	Boundary 2: An International Journal of Literature and Culture
BCEALR	British Columbia Environmental Affairs Law Review
BCICLR	Boston College International and Comparative Law Review
BELJ	Buffalo Environmental Law Journal
BJIL	Brooklyn Journal of International Law
BJPIR	British Journal of Politics and International Relations
BUILJ	Boston University International Law Journal
BYIL	British Yearbook of International Law
BYULR	Brigham Young University Law Review

## LIST OF ABBREVIATIONS

CBD	Convention on Biological Diversity
CC	constitutional comment
CC	cultural critique
CERES	Coalition for Environmentally Responsive Economics
ChJIL	Chinese Journal of International Law
ChLR	Chicago Law Review
CHRY	Canadian Human Rights Yearbook
CIJCDT	Constellations: An International Journal for Critical and Democratic Theory
CISDL	Centre for International Sustainable Development Law
CILJ	Cornell International Law Journal
CILSA	Comparative and International Journal of Southern Africa
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CJICL	Cardozo Journal of International and Comparative Law
CJIL	Chicago Journal of International Law
CJLJ	Canadian Journal of Law & Jurisprudence
CJTL	Columbia Journal of Transnational Law
CLP	current legal problems
CLR	Columbia Law Review
CLR	Connecticut Law Review
CLYIB	Comparative Law Yearbook of International Business
CMLR	Common Market Law Review
CQ	Classical Quarterly
CRIA	Cambridge Review of International Affairs
CSW	Christian Solidarity Worldwide
CTC	Counter-Terrorism Committee
CTE	Committee on Trade and Environment
CWILJ	California Western International Law Journal
CWRJIL	Case Western Reserve Journal of International Law
CYIL	Canadian Yearbook of International Law
D	Daedalus
DDA	Doha Development Agenda
DJIL	Dickinson Journal of International Law
DJILP	Denver Journal of International Law and Policy
DLJ	Duke Law Journal
DLR	DePaul Law Review
Dm	democratization
Documents	Documents on British Policy Overseas: Britain and China 1945–1950
DS	Der Staat
DSA	development Southern Africa
DSB	dispute settlement body
DSM	Dispute Settlement Mechanism
DSU	dispute settlement understanding
E	ethics
EC	European Commission
EIA	Ethics & International Affairs
EILR	Emory International Law Review
EJIL	European Journal of International Law

EJIR	European Journal of International Relations
EJLS	European Journal of Legal Studies
EJML	European Journal of Migration and Law
ELJ	Emory Law Journal
ELR	Environmental Law Review
ER	European Review
ESR	European Studies Review
EU	European Union
EuLJ	European Law Journal
FA	foreign affairs
FAO	Food and Agriculture Organization
FdR	federal register
FILJ	Fordham International Law Journal
FIPMELJ	Fordham Intellectual Property Media and Ent. L. J.
FJIL	Florida Journal of International Law
FLR	Florida Law Review
FM	forced migration
FMR	Forced Migration Review
FR	federal regulation
FYIL	Finnish Yearbook of International Law
G	Governance
GATT	General Agreement of Tariffs and Trade
GEF	global environment facility
GG	global governance
GJIL	Georgetown Journal of International Law
GLJ	Georgetown Law Journal
GLR	Georgia Law Review
GNS	Grotiana New Series
GRBS	Greek, Roman and Byzantine studies
GrLJ	German Law Journal
GSP	generalized system of tariff preferences
GYIL	German Yearbook of International Law
HAHR	Hispanic American Historical Review
HHRJ	Harvard Human Rights Journal
HICJ	Harvard International Club Journal
HICLR	Hastings International and Comparative Law Review
HILJ	Harvard International Law Journal
HJLPP	Harvard Journal of Law and Public Policy
HJLT	Harvard Journal of Law and Technology
HLJ	Hastings Law Journal
HLR	Harvard Law Review
HLR	Houston Law Review
HRLR	Human Rights Law Review
HRQ	Human Rights Quarterly
HWLJ	Harvard Women's Law Journal
IA	international affairs
IAEA	International Atomic Energy Agency
IARLJ	International Association of Refugee Law Judges

## LIST OF ABBREVIATIONS

ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ICLQ	International and Comparative Law Quarterly
ICTY	Appeals Chamber of the International Tribunal on former Yugoslavia
IELR	international enforcement law reporter
IGOs	International Governmental Organizations
IICLR	Indiana International & Comparative Law Review
IJGLS	Indiana Journal of Global Legal Studies
IJIL	Indian Journal of International Law
IJMGR	International Journal on Minority and Group Rights
IJRL	International Journal of Refugee Law
IJWP	International Journal of World Peace
IL	international law
ILC	International Law Commission
ILJ	Indiana Law Journal
ILO	international law opinions
ILO	International Labour Organization
ILR	Iowa Law Review
ILS	international legal system
ILSA	International Law Students Association
ILSAJICL	ILSA Journal of International and Comparative Law
IMF	International Monetary Fund
IMR	International Migration Review
IMT	International Military Tribunal
INPI	French National Patent Rights Institute
IntLR	international law reporter
IO	international organization
IOLR	International Organizations Law Review
IP	intellectual property
IPHR	intellectual property and human rights
IPJ	Intellectual Property Journal
IPR	intellectual property rights
IRIPCL	International Review Industrial Property and Copyright Law
IRRC	International Review of the Red Cross
IS	international security
ISQ	International Studies Quarterly
ISR	International Studies Review
ITFY	International Tribunal on former Yugoslavia
IYHR	Israel Yearbook on Human Rights
JAHA	Journal of American History
JCL	Journal of Civil Liberties
JCMS	Journal of Common Market Studies
JCR	Journal of Conflict Resolution
JCS	Journal of Church and State
JCSL	Journal of Conflict and Security Law
JDS	Journal of Development Studies
JEA	Journal of Egyptian Archaeology

JELPLAC	Journal of Environmental Law and Policy in Latin America and the Caribbean
JHIL	Journal of the History of International Law
JIEL	Journal of International Economic Law
JILIR	Journal of International Law and International Relations
JLR	Journal of Law and Religion
JLS	Journal of Legal Studies
JPOI	Johannesburg Plan of Implementation
JPP	Journal of Political Philosophy
JR	juridical review
JRE	Jahrbuch für Recht und Ethik
JRS	Journal of Refugee Studies
JWIP	Journal of World Intellectual Property
JWT	Journal of World Trade
KJ	Kritische Justiz
KJLPP	Kansas Journal of Law & Public Policy
LAIL	Latin American International Law
LCP	law and contemporary problems
LJIL	Leiden Journal of International Law
LJPIL	Loyola Journal of Public Interest Law
LPBR	Law and Politics Book Review
LPIB	law and policy in international business
LQR	Law Quarterly Review
LRLJ	La Raza Law Journal
M	millennium
McLR	Michigan Law Review
MEA	multilateral environmental agreement
MJIL	Melbourne Journal of International Law
MJIL	Michigan Journal of International Law
MLR	Modern Law Review
MnLR	Minnesota Law Review
MPYUNL	Max Planck Yearbook of United Nations Law
MULR	Melbourne University Law Review
MWJHR	Muslim World Journal of Human Rights
NCJILCR	North Carolina Journal of International Law and Commercial Regulation
ND	No date
NGO	non-governmental organization
NI	national interest
NILR	Netherlands International Law Review
NJIL	Nordic Journal of International law
NJILB	Northwestern Journal of International Law and Business
NLR	Nebraska Law Review
NR	Nueva Revista
NRBA	Nueva Revista de Buenos Aires
NSAHR	Non-state Actors and Human Rights
NUJIHR	Northwestern University Journal of International Human Rights
NULR	Northwestern University Law Review
NYBIL	Netherlands YB Int'l L

## LIST OF ABBREVIATIONS

NYIL	Netherlands Yearbook of International Law
NYUJILP	New York University Journal of International Law and Politics
OAMPI	African Malagasy Patent Rights Authority
OAPI	African Intellectual Property Organization
OAS	Organization of American States
OECD	Organization for Economic Cooperation and Development
OEJIPR	Oxford Electronic Journal of Intellectual Property Rights
OIC	Organization of Islamic Conference
OLR	Oklahoma Law Review
OREP	Oxford Review of Economic Policy
PASIL	Proceedings of the American Society of International Law
PB	philosophical books
PKPF	Phi Kappa Phi Forum
PPA	Philosophy & Public Affairs
PR	Policy Review
RBDI	Revue Belge de Droit International
RC	Recueil des Cours
RCADIH	Recueils des Cours de l'Academie de Droit International de la Haye
RCDI	Revista Colombiana de Derecho Internacional
RDI	Revista de Derecho Internacional
RDILC	Revue de Droit International et de Législation Comparée
RECIEL	Review of European Community and International Environmental Law
RFIC	Rivista di Filologia et di Istruzione Classica
RGDIP	Revue Générale de Droit International Public
RHDFE	Revue Historique du Droit Français et Étranger
RHDI	Revue d'Histoire du Droit International
RIDA	Revue Internationale des Droits de l'Antiquité
RIE	Review of International Economics
RIGO	regional inter-governmental organization
RIL	robust international law
RIS	Review of International Studies
RLS	Research in Law and Sociology
RP	Review of Politics
RRLR	Rutgers Race and the Law Review
RSQ	Refugee Survey Quarterly
SCLR	Southern California Law Review
SDILJ	San Diego International Law Journal
SGOTILC	Study Group of the International Law Commission
SIDS	small island developing states
SLLR	St Louis Law Review
SLR	Stanford Law Review
SLS	social legal studies
SsLR	Saskatchewan Law Review
SULR	Seattle University Law Review
SYBIL	Singapore Year Book of International Law
SZIER	Schweizerische Zeitschrift für internationales und europäisches Recht
T	telos
TED	turtle excluder device