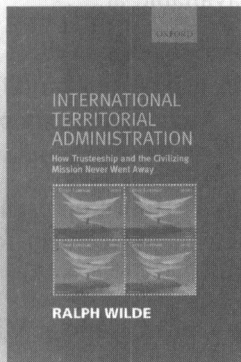


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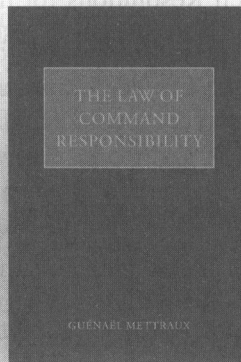
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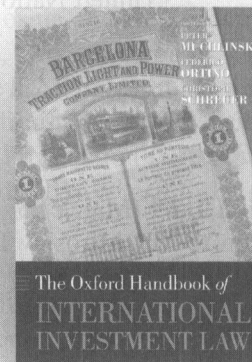
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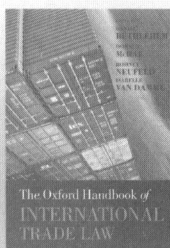


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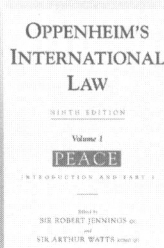
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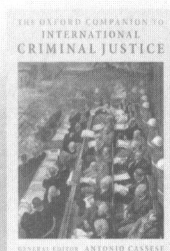


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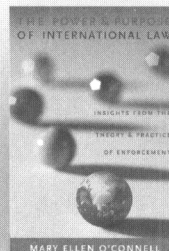
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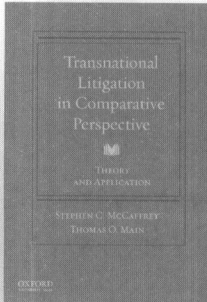
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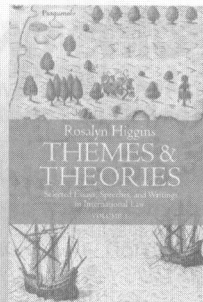


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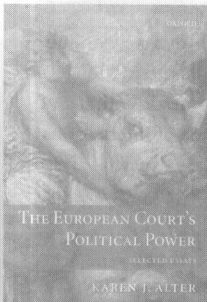


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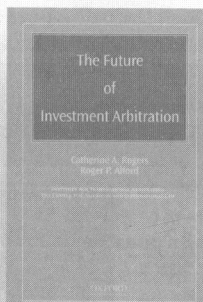
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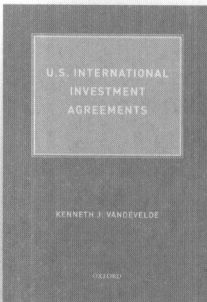


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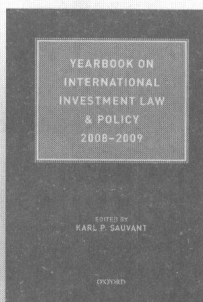
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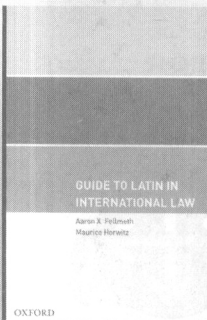
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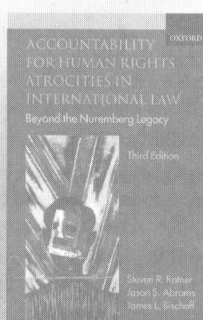


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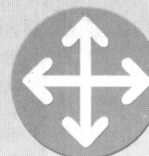
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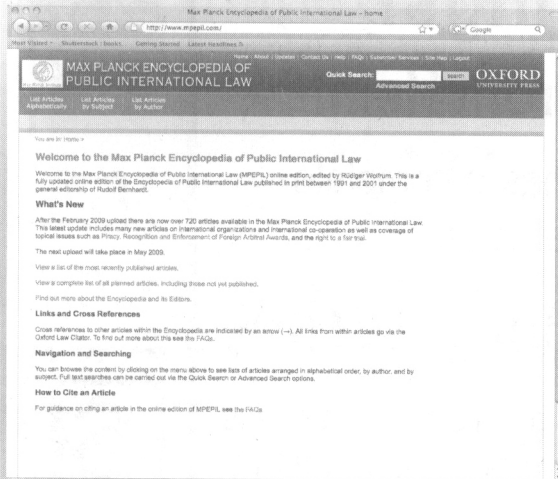


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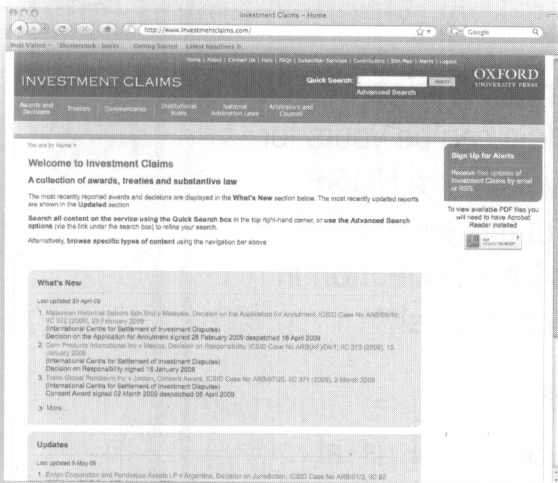
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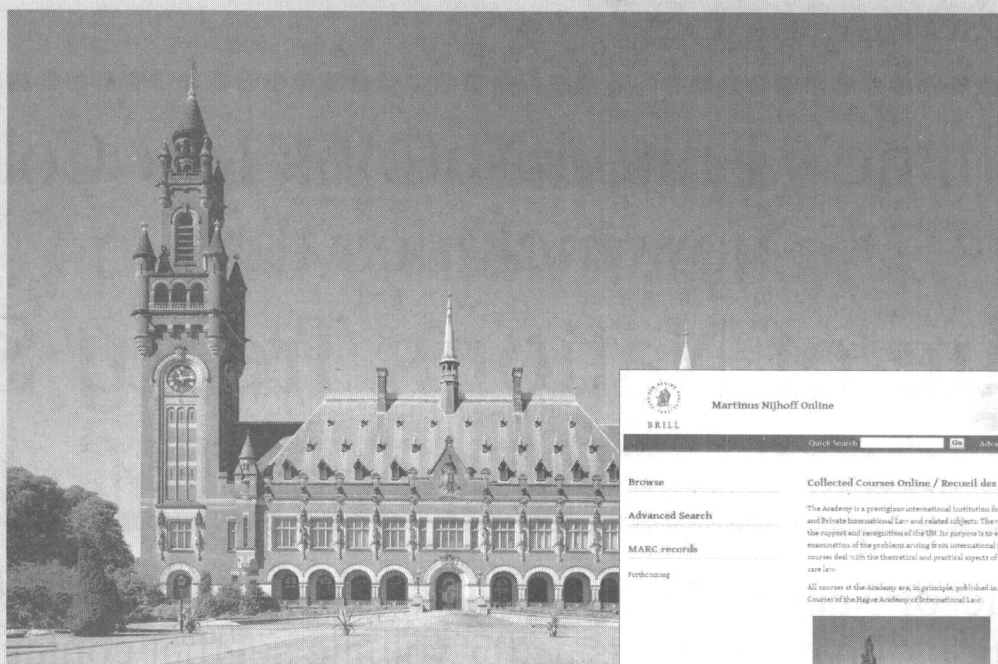
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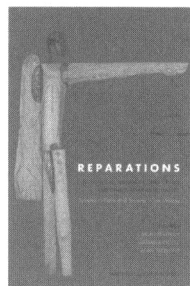
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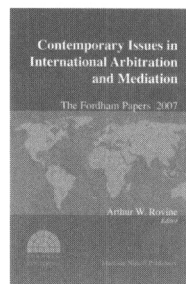
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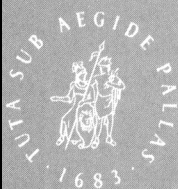
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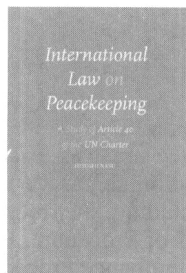
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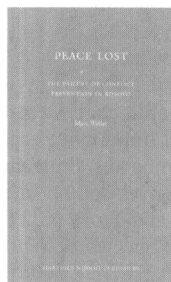
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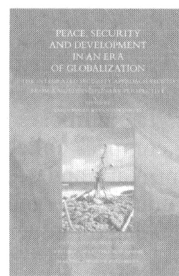
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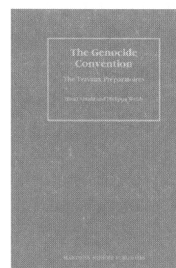
- February 2009
- ISBN 978 90 04 17386 6
- *Hardback* (xxv, 401 pp.)
- List price EUR 99.- / US\$ 158.-
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This book explores the integrated security approach in general, and more in particular in relation to states after regime-change and post-conflict states. The integrated security approach is analyzed from various perspectives and starting from various scientific disciplines. On the one hand this raises highly specific questions like: what is CIMIC (civil-military cooperation) and how does it function in practice? On the other hand the book has broader ambitions and tries to see the current debate on regime change in dictatorial or fundamental regimes and the process of reconstruction afterwards against the background of a wider discussion on globalization and the war against terrorism.

## The Genocide Convention

*The Travaux Préparatoires*

Hirad Abtahi and Philippa Webb



- December 2008
- ISBN 978 90 04 16418 5
- *Hardback* (vol1, xxxviii, 1252. vol 2, xvi, 965, 2 vols.)
- List price EUR 395.- / US\$ 585.-
- The Travaux Préparatoires of Multilateral Treaties, 2

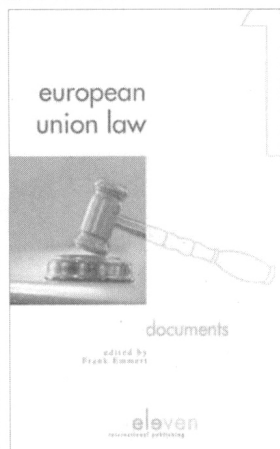
This work gathers together for the first time in a single publication the records of the multitude of meetings which, in the context of the newly established United Nations, led to the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide on 9 December 1948. This work will enable academics and practitioners easy access to the Genocide Convention's travaux préparatoires – an endeavour that has until now proven extremely difficult. This work will be of paramount importance for the international adjudication of the crime of genocide insofar as recourse to the “general rule of interpretation” and the “supplementary means of interpretation” under the 1969 Vienna Convention on the Law of Treaties is concerned.

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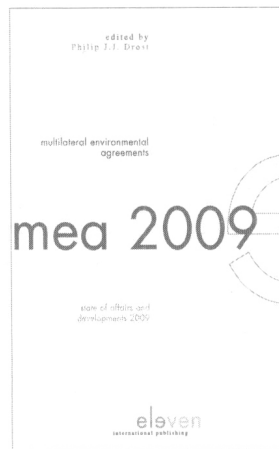
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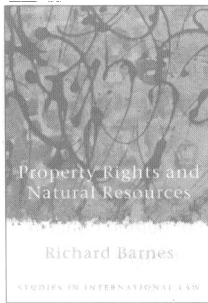
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## Property Rights and Natural Resources

*Richard Barnes*

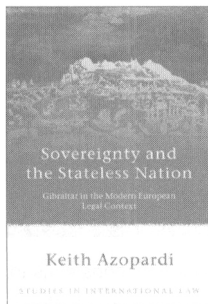
The use of private property rights to regulate natural resources is a controversial topic because it touches upon two critical issues: the allocation of wealth in society and the conservation and management of limited resources. This book explores the extension of private property rights and market mechanisms to natural resources in international areas from a legal perspective. It uses marine fisheries to illustrate the

issues that can arise in the design of regulatory regimes for natural resources.

If property rights are used to regulate natural resources then it is essential that we understand how the law and values embedded within legal systems shape the development and operation of property rights in practice. The author constructs a version of property that articulates both the private and public function of property. This restores some much needed balance to property discourse. He also assesses the impact of international law on the use of property rights—a much neglected topic—and shows how different legal and socio-political values that inhere in different legal regimes fundamentally shape the construction of property rights. Despite the many claimed benefits to be had from the use of private property rights-based management systems, the author warns against an uncritical acceptance of this approach and, in particular, questions whether private property rights are the most suitable and effective arrangement of regulating of natural resources. He suggests that much more complex forms of holding, such as stewardship, may be required to meet physical, legal and moral imperatives associated with natural resources.

*Richard Barnes is Senior Lecturer in Law at the University of Hull.*

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## Sovereignty and the Stateless Nation

Gibraltar in the Modern Legal Context

*Keith Azopardi*

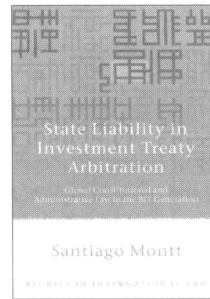
Gibraltar is an Overseas Territory of the UK within the EU, which has for three centuries been at the centre of a dispute between Britain and Spain, a dispute based on traditional perceptions of sovereignty. Hitherto the dispute has been managed in a predominantly bilateral way, but this has prevented the people of Gibraltar having an equal

say on the issue of Gibraltar's sovereignty and decolonisation. It has produced a paradox of governance and constitutionalism that encases the Gibraltar people. This book considers the effects of sovereignty and the culture of bilateralism on the dispute, and examines the resulting deficits of governance and democracy. In assessing the evolution of the themes underlying the dispute it asks how its resolution might be facilitated by the application of ideas drawn from the modern legal context of late sovereignty, pluralism and stateless nationalism, suggesting that a productive trilateral approach and recognition of the legal and societal context could enable an enduring settlement.

The author marries theories from international relations, constitutional law and public international law in the context of modern literature on sovereignty and nationalism, applying these theories to the case-study of Gibraltar with emphasis on constitutionalism in its international and EU context to produce a ground-breaking addition to the literature on stateless nationalism, late sovereignty and constitutional pluralism.

*Keith Azopardi is a barrister who served in the Gibraltar Government for seven years, including a period as Deputy Chief Minister until 2003.*

Sept 09 462pp Hbk 9781841139166 US\$90



## State Liability in Investment Treaty Arbitration

Global Constitutional and Administrative Law in the BIT Generation

*Santiago Montt*

Today there are more than 2,500 bilateral investment treaties (BITs) around the world. Most of these investment protection treaties offer foreign investors a direct cause of action to claim damages against

host-states before international arbitral tribunals. This procedure, together with the requirement of compensation in indirect expropriations and the fair and equitable treatment standard, have transformed the way we think about state liability in international law.

*State Liability in Investment Arbitration* is an interdisciplinary work, aimed at academics and practitioners, which focuses on five key dimensions of BIT arbitration. First, it analyses the past practice of state responsibility for injuries to aliens, placing the BIT generation in historical perspective. Second, it develops a descriptive law-and-economics model that explains the proliferation of BITs, and why they are all worded so similarly. Third, it addresses the legitimacy deficits of this new form of dispute settlement, weighing its potential advantages and democratic shortfalls. Fourth, it gives a comparative overview of the universal tension between property rights and the public interest, and the problems and challenges associated with liability grounded in illegal and arbitrary state action. Finally, it presents a detailed legal study of the current state of BIT jurisprudence regarding indirect expropriations and the fair and equitable treatment clause.

*Santiago Montt has a JSD from Yale University and has taught administrative law and international commercial arbitration at Universidad de Chile.*

Nov 09 338pp Hbk 9781841138565 US\$118

## Decisions of the Arbitration Panel for In Rem Restitution - Volume 2

*Edited by Josef Aicher, Erich Kussbach and August Reinisch*

The series "Decisions of the Arbitration Panel for In Rem Restitution" documents Austria's most recent compensatory measures dealing with the consequences of the National Socialist era. For property seized during the National Socialist era and now publicly owned, the possibility of In Rem restitution, was provided for in the Washington Settlement Agreement of 17 January 2001. The Arbitration Panel for In Rem Restitution, established with the General Settlement Fund in Vienna, decides on applications for restitution which mostly concern real property. With only a few exceptions, all properties had been the subject of restitution proceedings after 1945. Since 2003, the Arbitration Panel has decided on a great number of applications, and has recommended the restitution of property to the legal successors of former owners in several cases. In the course of these decisions based on the General Settlement Fund Law, the Arbitration Panel has developed a complex case law.

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*Dr. Aicher is a Professor at the Institute for Corporate and Economic Law at the University of Vienna. Dr. Erich Kussbach, LL. M., is Honorary Professor of Humanitarian International Law at the University of Linz. Dr. August Reinisch, LL. M., is head of the section for International Law and International Relations at the Department for European, International and Comparative Law at the University of Vienna.*

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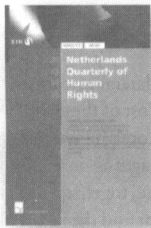
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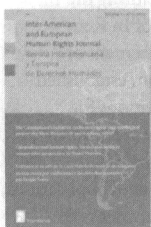


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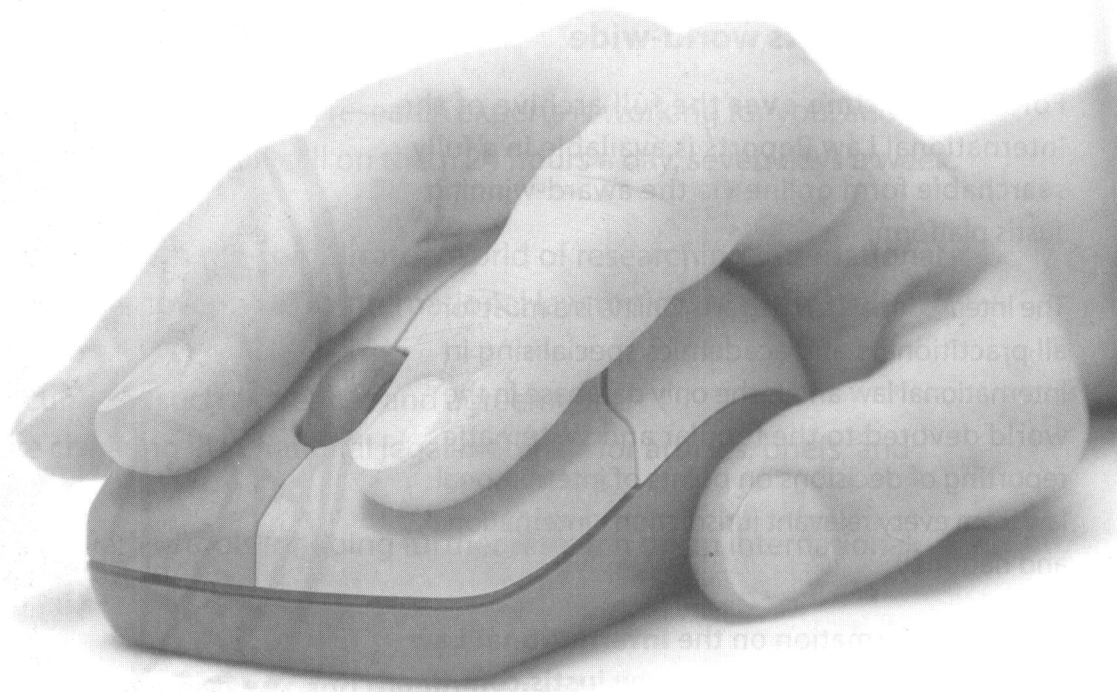
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