

# INTERNATIONAL & COMPARATIVE LAW QUARTERLY

VOLUME 60

PART 3

JULY 2011

## ARTICLES

Foreign Investment Arbitration: a Place for Human Rights? Bruno Simma

American Private Law Writ Large? The Uncitral Secured Transactions Guide  
Gerard McCormack

Cartel Members Only—Revisiting Private Antitrust Policy in Europe Sebastian Peyer

Statutes of Limitation between Classification and *Renvoi*—Australian and  
South African Approaches Compared Sirko Harder

Methods for the Identification of Customary International Law in the International Court of  
Justice's New Millennium Jurisprudence: 2000–2009 Alberto Alvarez-Jiménez

## SHORTER ARTICLES

Eu Biofuels Policy—Raising The Question of WTO Compatibility  
Stephanie Switzer and Joseph A McMahon

Invoking Direct Application and Effect of International Treaties by the  
European Court of Justice: Implications for International Environmental Law  
in The European Union Simon Marsden

Current Developments and Book Reviews—see back cover



**British Institute of  
International and  
Comparative Law**

# International and Comparative Law Quarterly

---

Volume 60

July 2011

Part 3

---

## ARTICLES

- FOREIGN INVESTMENT ARBITRATION: A PLACE FOR HUMAN RIGHTS  
*Bruno Simma* 573
- AMERICAN PRIVATE LAW WRIT LARGE? THE UNCITRAL SECURED  
TRANSACTIONS GUIDE  
*Gerard McCormack* 597
- CARTEL MEMBERS ONLY—REVISITING PRIVATE ANTITRUST POLICY IN  
EUROPE  
*Sebastian Peyer* 627
- STATUTES OF LIMITATION BETWEEN CLASSIFICATION AND  
REVOI—AUSTRALIAN AND SOUTH AFRICAN APPROACHES COMPARED  
*Sirko Harder* 659
- METHODS FOR THE IDENTIFICATION OF CUSTOMARY INTERNATIONAL LAW IN  
THE INTERNATIONAL COURT OF JUSTICE'S NEW MILLENNIUM  
JURISPRUDENCE  
*Alberto Alvarez-Jiménez* 681

## SHORTER ARTICLES

- EU BIOFUELS POLICY—RAISING THE QUESTION OF WTO COMPATIBILITY  
*Joe A McMahon and Stephanie Switzer* 713
- INVOKING DIRECT APPLICATION AND EFFECT OF INTERNATIONAL TREATIES BY  
THE EUROPEAN COURT OF JUSTICE: IMPLICATIONS FOR INTERNATIONAL  
ENVIRONMENTAL LAW IN THE EUROPEAN UNION  
*Simon Marsden* 737

## CURRENT DEVELOPMENTS: PUBLIC INTERNATIONAL LAW

- I. DE-RECOGNITION OF COLONEL QADHAFI AS HEAD OF STATE OF LIBYA  
*Stefan Talmon* 759
- II. INTERNATIONAL MEASURES FOR THE PROTECTION OF CIVILIANS IN LIBYA  
AND CÔTE D'IVOIRE  
*Christian Henderson* 767

III. ASSASSINATION AND TARGETED KILLING—THE KILLING OF OSAMA BIN LADEN	<i>APV Rogers and Dominic McGoldrick</i>	778
IV. CHINA AND THE WORLD TRADE ORGANIZATION: THE FIRST DECADE	<i>Lisa Toohy</i>	788

## CURRENT DEVELOPMENTS: INTERNATIONAL COURTS AND TRIBUNALS

I. INTERNATIONAL COURT OF JUSTICE, <i>ACCORDANCE WITH INTERNATIONAL LAW OF THE UNILATERAL DECLARATION OF INDEPENDENCE IN RESPECT OF KOSOVO</i> , ADVISORY OPINION OF 22 JULY 2010	<i>Dov Jacobs</i>	799
II. INTERNATIONAL COURT OF JUSTICE, <i>CASE CONCERNING AHMADOU SADIO DIALLO (REPUBLIC OF GUINEA v DEMOCRATIC REPUBLIC OF THE CONGO)</i> , JUDGMENT OF 30 NOVEMBER 2010	<i>Mads Andenas</i>	810

## BOOK REVIEWS

MADS ANDENAS AND DUNCAN FAIRGRIEVE <i>Lord Bingham and the Transformation of the Law: A Liber Amicorum</i> (David Feldman)		821
ALEX MILLS <i>The Confluence of Public and Private International Law: Justice, Pluralism and Subsidiarity in the International Constitutional Ordering of Private Law</i> (Jacco Bomhoff)		822
IAN HENDRY AND SUSAN DICKSON <i>British Overseas Territories Law</i> (Sir Michael Wood)		825

<b>Books Received</b>		829
-----------------------	--	-----