

0068-2691 (PRINT)  
2044-9437 (ONLINE)

# THE BRITISH YEARBOOK OF INTERNATIONAL LAW 2012

UGHTY-THIRD  
YEAR OF ISSUE



## CONTENTS

LIST OF ABBREVIATIONS	xiii
<i>IN MEMORIAM:</i> SIR IAN SINCLAIR, KCMG, QC (1926-2013)	i
A RELUCTANT GUARDIAN: THE INTERNATIONAL COURT OF JUSTICE AND THE CONCEPT OF 'INTERNATIONAL COMMUNITY' BY GLEIDER I. HERNÁNDEZ	13
THE DELIMITATION OF AN INDICATIVE AREA OF OVERLAPPING ENTITLEMENT TO THE OUTER CONTINENTAL SHELF BY BJORN KUNOY	61
BETWEEN PHILOSOPHY AND ANXIETY? THE EARLY INTERNATIONAL LAW COMMISSION, TREATY CONFLICT AND THE PROJECT OF INTERNATIONAL LAW BY SURABHI RANGANATHAN	82
RIGHT FOR THE WRONG REASONS: <i>SILIH V SLOVENIA</i> AND JURISDICTION <i>RATIONE TEMPORIS</i> IN THE EUROPEAN COURT OF HUMAN RIGHTS BY EIRIK BJORGE	115
REVIEWS OF BOOKS	137
James Crawford, <i>Brownlie's Principles of Public International Law</i>	137
Sir Elihu Lauterpacht, <i>The Life of Sir Hersch Lauterpacht</i>	143
Emily Crawford, <i>The Treatment of Combatants and Insurgents under the Law of Armed Conflict</i>	145
Anthony Cullen, <i>The Concept of Non-International Armed Conflict in International Humanitarian Law</i>	145
Noam Lubell, <i>Extraterritorial Use of Force Against Non-State Actors</i>	145

Sandesh Sivakumaran, <i>The Law of Non-International Armed Conflict</i>	145
Tom Ruys, 'Armed Attack' and Article 51 of the UN Charter. <i>Evolutions in Customary Law and Practice</i>	160
Elizabeth Wilmshurst (ed.), <i>International Law and the Classification of Conflicts</i>	170
Eyal Benvenisti, <i>The International Law of Occupation</i>	175
William H Boothby, <i>The Law of Targeting</i>	178
Kirsten J Fisher, <i>Moral Accountability and International Criminal Law Holding Agents of Atrocity Accountable to the World</i>	179
Thomas Pogge, Matthew Rimmer & Kim Rubenstein (eds), <i>Incentives for Global Public Health: Patent Law and Access to Essential Medicines</i>	182
R Doak Bishop & Silvia M Marchili, <i>Annulment under the ICSID Convention</i>	184
Martins Papatrakis, <i>The International Minimum Standard and Fair and Equitable Treatment</i>	185
Todd Weiler, <i>The Interpretation of International Investment Law: Equality, Discrimination and Minimum Standards of Treatment in Historical Context</i>	187
Ingo Venzke, <i>How Interpretation Makes International Law: On Semantic Change and Normative Twists</i>	190
TK Woldetsadik, <i>International Watercourses Law in the Nile River Basin. Three States at a Crossroads</i>	193
Milena Sterio, <i>The Right to Self-Determination under International Law: 'Selfistans,' Secession, and the Rule of the Great Powers</i>	197
DECISIONS OF BRITISH COURTS DURING 2012 INVOLVING QUESTIONS OF PUBLIC OR PRIVATE INTERNATIONAL LAW	
A. Public International Law: By ROGER O'KEEFE	202
B. Private International Law: By ADAM RUSHWORTH and ANDREW SCOTT	271

CONTENTS

xi

UNITED KINGDOM MATERIALS ON INTERNATIONAL LAW 2012	298
TABLE OF CASES	713
INDEX	722