

**2.2 Recommendations** ..... 341

*Anuscheb Farabat*

Regulating Minority Issues through Standard-Setting and  
Mediation: The Case of the High Commissioner on National  
Minorities ..... 343

**2.3 Information** ..... 375

*Erika de Wet*

Governance through Promotion and Persuasion:  
The 1998 ILO Declaration on Fundamental Principles and  
Rights at Work ..... 377

*Joseph Windsor*

The WTO Committee on Trade in Financial Services: The  
Exercise of Public Authority within an Informational Forum .... 405

**3. The Exercise of Public Authority through General  
Instruments** ..... 437

**3.1 Secondary Law** ..... 437

*Isabel Feichtner*

The Administration of the Vocabulary of International Trade:  
The Adaptation of WTO Schedules to Changes in the  
Harmonized System ..... 439

*Christine Fuchs*

Convention on International Trade in Endangered Species of  
Wild Fauna and Flora (CITES) – Conservation Efforts  
Undermine the Legality Principle ..... 475

**3.2 International Public Standards** ..... 509

*Jürgen Friedrich*

Legal Challenges of Non-binding Instruments: The Case of the  
FAO Code of Conduct for Responsible Fisheries ..... 511

Max-Planck-Institut für  
ausländisches öffentliches Recht und Völkerrecht

---

Beiträge zum ausländischen öffentlichen Recht und Völkerrecht 210

Armin von Bogdandy · Rüdiger Wolfrum  
Jochen von Bernstorff · Philipp Dann  
Matthias Goldmann (eds.)

The Exercise of Public Authority  
by International Institutions  
Advancing International  
Institutional Law

*Karen Kaiser*

- WIPO's International Registration of Trademarks: An  
International Administrative Act Subject to Examination by  
the Designated Contracting Parties ..... 133

*Maja Smrkolj*

- International Institutions and Individualized Decision-Making:  
An Example of UNHCR's Refugee Status Determination ..... 165

**1.2 Recommendations ..... 195***Gefion Schuler*

- Effective Governance through Decentralized Soft  
Implementation: The OECD Guidelines for Multinational  
Enterprises ..... 197

**1.3 Information ..... 227***Bettina Schöndorf-Haubold*

- The Administration of Information in International  
Administrative Law – The Example of Interpol ..... 229

**2. The Exercise of Public Authority through Instruments  
Concerning Individual States ..... 269****2.1 Decisions ..... 269***Petra Lea Láncos*

- Flexibility and Legitimacy - The Emissions Trading System  
under the Kyoto Protocol ..... 271

*Diana Zacharias*

- The UNESCO Regime for the Protection of World Heritage  
as Prototype of an Autonomy-Gaining International  
Institution ..... 301

*Comment by Ute Mager*

- The UNESCO Regime for the Protection of World Heritage ..... 337

*Ravi Afonso Pereira*

- Why Would International Administrative Activity Be Any  
Less Legitimate? – A Study of the Codex Alimentarius  
Commission ..... 541

**4. Public Authority through Private Law Instruments? ..... 573**

*Matthias Hartwig*

- ICANN – Governance by Technical Necessity ..... 575

*Steven Less*

- International Administration of Holocaust Compensation:  
The International Commission on Holocaust Era Insurance  
Claims (ICHEIC) ..... 607

**III. Cross-Cutting Analyses ..... 659**

*Matthias Goldmann*

- Inside Relative Normativity: From Sources to Standard  
Instruments for the Exercise of International Public  
Authority ..... 661

*Comment by Jan Klabbers*

- Goldmann Variations ..... 713

*Armin von Bogdandy*

- General Principles of International Public Authority:  
Sketching a Research Field ..... 727

*Comment by Sabino Cassese*

- Is There a Global Administrative Law? ..... 761

*Jochen von Bernstorff*

- Procedures of Decision-Making and the Role of Law in  
International Organizations ..... 777

*Comment by Christian Tietje*

- The Contributions by Jochen von Bernstorff and by Maja  
Smrkolj ..... 807

*Volker Röben*

The Enforcement Authority of International Institutions ..... 819

*Comment by Dirk Hanschel*

The Enforcement Authority of International Institutions –  
Some Remarks and Suggestions for Further Analysis ..... 843

*Erika de Wet*

Holding International Institutions Accountable: The  
Complementary Role of Non-Judicial Oversight Mechanisms  
and Judicial Review ..... 855

*Armin von Bogdandy & Philipp Dann*

International Composite Administration: Conceptualizing  
Multi-Level and Network Aspects in the Exercise of  
International Public Authority ..... 883

*Comment by Ute Mager*

International Composite Administration ..... 913

*Rüdiger Wolfrum*

Legitimacy of International Law and the Exercise of  
Administrative Functions: The Example of the International  
Seabed Authority, the International Maritime Organization  
(IMO) and International Fisheries Organizations ..... 917

**IV. Context** ..... 941*Eberhard Schmidt-Aßmann*

The Internationalization of Administrative Relations as a  
Challenge for Administrative Law Scholarship ..... 943

*Giacinto della Cananea*

Procedural Due Process of Law Beyond the State ..... 965

**List of Contributors** ..... 1001

# Table of Contents

## I. Concept ..... 1

*Armin von Bogdandy, Philipp Dann & Matthias Goldmann*

Developing the Publicness of Public International Law:  
Towards a Legal Framework for Global Governance Activities ..... 3

*Comment by Stefan Kadelbach*

From Public International Law to International Public Law: A  
Comment on the “Public Authority” of International  
Institutions and the “Publicness” of their Law ..... 33

*Comment by Stephan Leibfried*

To Tame and to Frame ..... 51

*Ingo Venzke*

International Bureaucracies from a Political Science  
Perspective – Agency, Authority and International  
Institutional Law ..... 67

## II. Thematic Studies ..... 99

1. The Exercise of Public Authority through Instruments  
Concerning Individuals ..... 99

1.1 Decisions ..... 99

*Clemens A. Feinäugle*

The UN Security Council Al-Qaida and Taliban Sanctions  
Committee: Emerging Principles of International Institutional  
Law for the Protection of Individuals? ..... 101