ISSN 0020-5893

International & Comparative Law Quarterly

VOLUME 74 PART 3 JULY 2025

ARTICLES

The Notion of an Illegal Occupation in the ICJ's *Palestine* Advisory Opinion — *Marko Milanovic*

State Continuity, Self-Determination and Sea-Level Rise — *Alex Green and Margaretha Wewerinke-Singh*

Cold Cooperation: Reconciling the Biodiversity Beyond National Jurisdiction Agreement and the Antarctic Treaty System — *Karen N. Scott*

Managing Judicial Legitimacy: The Role of Grand Chambers in National and International Courts — *Ondřej Kadlec*

Foreign Judgments and the Relationship between Direct and Indirect Jurisdiction — *Richard Garnett*

Investigative Jurisdiction: The Evolving Limits of Extraterritoriality in Transnational Digital Investigations — *Jessica Shurson*

SHORTER ARTICLES

Modern Slavery in Armed Conflict: Foreign 'Forced Fighters' in Ukraine — *Matilda Gillis*

Anti-Suit Injunctions in Support of Foreign Dispute-Resolution Clauses — *Ardavan Arzandeh*

BOOK REVIEWS

Public International Law
Private International Law
Comparative Law
Human Rights
European Law

British Institute of International and Comparative Law

https://doi.org/10.1017/S0020589325101139 Published online by Cambridge University Press



British Institute of International and Comparative Law

The British Institute of International and Comparative Law (BIICL) is a leading independent legal research and membership organisation with charitable status, unaffiliated to any university. It is the only body of its kind in the UK and one of very few in the world. It is not publicly or privately funded by any one government, institution or person. Established in 1958 and based in London with a dedicated team of staff, it brings together legal practitioners in private and public practice, in-house counsel, scholars and students, as members and contributors. It has developed a strong global network in international and comparative law and the rule of law.

BIICL undertakes five key activities: **applied legal research, events, capacity-building training, publications and membership services**. We conduct research around the world across the broad range of public international law, private international law, comparative law, competition law, European law and international investment law and the rule of law. Our focus is on practical applied research, based on strong conceptual foundations, offering examples of good practice, and recommendations for policy and legal actions. Our activities often cross the traditional boundaries of law, so as to engage with contemporary national, regional and international issues, and we consistently have an impact on law and policy worldwide.

BIICL has created **a diverse community** of scholars and practitioners and serves as an unrivalled focal point for our substantial membership base. BIICL members include judges, practising lawyers, government officials, regulators, international civil servants, academics and students. We keep our members abreast of the latest developments in international and comparative law.

Within BIICL, the **Bingham Centre for the Rule of Law** is devoted to the study and promotion of the rule of law worldwide. Launched in 2010, the Centre has established a broad base of work internationally that highlights threats to the rule of law while promoting high quality studies and training.

https://doi.org/10.1017/S0020589325101139 Published online by Cambridge University Press

INSTRUCTIONS FOR CONTRIBUTORS

The ICLQ welcomes the submission of contributions for consideration by the Board of Editors with a view to publication. All manuscripts must be submitted online via the ScholarOne platform: http://mc.manuscriptcentral.com/iclq.

The Board of Editors will only consider material which complies with the following:

1. The submission should be an original, unpublished work not currently under consideration for publication elsewhere. Please note that our exclusive submission policy means you cannot submit your work to another journal until you have received a decision from us. If you would like to submit to another journal, you must withdraw your article from consideration by the ICLQ.

2. The ICLQ publishes articles that deal with public international law, private international law, comparative law, human rights law and European Union law. It particularly encourages the submission of innovative and original articles whose theme or content illuminate more than one of these subject areas. Articles which do no more than rehearse familiar and well-known material, or which are concerned only with national law (other than private international law) in a non-comparative way, should not be submitted.

3. Long articles should not exceed 12,000 words (15,000 words including footnotes). Pieces of up to 8,000 words (including footnotes) will usually be considered for the 'Shorter Articles' section. The Editors will decide on the section to which all contributions, irrespective of length, are best suited should they be accepted for publication. ScholarOne will require you to enter the word count (including footnotes) when submitting your article, and to indicate if you intend it for the 'Shorter Articles' section.

4. Footnotes should be numbered consecutively throughout the article and be in the form normally used by the ICLQ. Please see the Style Guide for further information. Footnoting should not be excessive.

5. A short (50–100 words) abstract of the article should be supplied. We reserve the right to edit abstracts for length and style. Please also supply a minimum of five keywords (maximum ten) for your article to enable digital searching.

6. Authors should state their present academic or professional affiliation and indicate any professional or personal involvement in the subject matter of the article.

7. The ICLQ only accepts submissions online via the ScholarOne platform. To upload your manuscript please go to: http://mc.manuscriptcentral.com/iclq. Detailed instructions for submitting your manuscript online can be found at the submission website by clicking on the 'Instructions and Forms' link in the top right of the screen; and then clicking on the 'Author Submission Instructions' icon on the following page. The Managing Editor will acknowledge receipt

https://doi.org/10.1017/S0020589325101139 Published online by Cambridge University Press

of the manuscript, with a reference number, which should be quoted in all correspondence.

For the ICLQ Style Guide, please visit www.journals.cambridge.org/iclq/ifc. In all matters not included in this Guide, the ICLQ follows the OSCOLA citation system for house style; please visit www.law.ox.ac.uk for details.

SUBSCRIPTIONS

Subscriptions, orders, and enquiries should be sent to Cambridge University Press, University Printing House, Shaftesbury Road, Cambridge, CB2 8BS, UK, email: journals@cambridge.org. Current prices can be found at https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly/subscribe. Back issues of all volumes are now available at the current cover price. For more information on the journal see https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly.

The views expressed in the contributions to this journal are those of their author(s) and do not necessarily reflect the views either of the Board of Editors of the journal or of the British Institute of International and Comparative Law (BIICL). BIICL is a registered charity and an independent research institute committed to supporting high standards of scholarship in all aspects of international and comparative law.

The ICLQ has been selected for coverage in Clarivate's products and services. The journal is indexed and abstracted in the Social Sciences Citation Index, the Journals Citation Reports/Social Sciences Edition and Current Contents/Social and Behavioural Sciences.

PERMISSIONS

For all matters concerning rights and permissions please contact Cambridge University Press. For more information go to: http://www.cambridge.org/about-us/rights-permissions.

© 2025 British Institute of International and Comparative Law

Printed in Great Britain by Henry Ling Limited, The Dorset Press, Dorchester, DT1 1HD

This journal issue has been printed on FSC™-certified paper and cover board. FSC is an independent, non-governmental, not-for-profit organization established to promote the responsible management of the world's forests. Please see www.fsc.org for information.

Authors of accepted articles in International & Comparative Law Quarterly now have the option to publish on a Gold Open Access basis.

Cambridge Journals Online: For further information about this journal please go to the journal web site at www.cambridge.org/ICLQ.

https://doi.org/10.1017/S0020589325101139 Published online by Cambridge University Press

BIICL GOVERNANCE

President

The Rt Hon the Lord Neuberger of Abbotsbury

Vice Presidents

The Rt Hon the Lord Collins of Mapesbury

Judge Joan Donoghue

The Rt Hon Sir David Edward KCMG KC

Sir Christopher Greenwood GBE CMG KC

Director

Professor Spyros Maniatis

Board of Trustees

Eve Salomon CBE, Chair

Chiann Bao

Guy Beringer CBE KC (Hon)

Shehzad Charania MBE

Dean Curtis

Mark Gregory

Kate Jones

Alex Just

Ndanga Kamau

Dr Sorcha MacLeod

Professor Iain MacNeil

Habib Motani

Liz Perks

Audley Sheppard KC

Rupert Skilbeck

Professor Elies van Sliedregt

Advisers to the Board of Trustees

Martin Paisner CBE

ICLQ EDITORIAL BOARD

Co-General Editors

Professor Alex Mills, University College London

Professor Spyros Maniatis, British Institute of International and Comparative Law

Board Members

Professor Richard Barnes, University of Lincoln

Professor Paula Giliker, University of Bristol

Professor Lawrence Hill-Cawthorne, University of Bristol

Professor Angus Johnston, University of Oxford

Professor Urfan Khaliq, Cardiff University

Professor Andrew Lang, University of Edinburgh

Professor Chin Leng Lim, Chinese University of Hong Kong

Professor Dominic McGoldrick, University of Nottingham

Professor Louise Merrett, University of Cambridge

Professor Lavanya Rajamani, University of Oxford

Professor Philippa Webb, King's College London

Professor Katja S Ziegler, University of Leicester

Managing Editor

Anna Riddell-Roberts, British Institute of International and Comparative Law

Assistant Editor

Adaena Sinclair-Blakemore, British Institute of International and Comparative Law

Book Review Editor

Professor Angus Johnston, University of Oxford

BIICL

British Institute of International and Comparative Law

https://doi.org/10.1017/S0020589325101139 Published online by Cambridge University Press

International and Comparative Law Quarterly

Volume 74 July 2025 Part 3

ARTICLES

The Notion of an Illegal Occupation in the ICJ's *Palestine* Advisory Opinion *Marko Milanovic* 517

State Continuity, Self-Determination and Sea-Level Rise *Alex Green and Margaretha Wewerinke-Singh* 555

Cold Cooperation: Reconciling the Biodiversity Beyond National Jurisdiction Agreement and the Antarctic Treaty System *Karen N. Scott* 587

Managing Judicial Legitimacy: The Role of Grand Chambers in National and International Courts *Ondřej Kadlec* 619

Foreign Judgments and the Relationship between Direct and Indirect Jurisdiction *Richard Garnett* 649

Investigative Jurisdiction: The Evolving Limits of Extraterritoriality in Transnational Digital Investigations *Jessica Shurson* 675

SHORTER ARTICLES

Modern Slavery in Armed Conflict: Foreign 'Forced Fighters' in Ukraine *Matilda Gillis* 707

Anti-Suit Injunctions in Support of Foreign Dispute-Resolution Clauses *Ardavan Arzandeh* 723

BOOK REVIEWS

Marco Roscini, *International Law and the Principle of Non-Intervention* (Jack Kenny) 741

Christina Voigt and Caroline Foster (eds), *International Courts versus Non-Compliance Mechanisms: Comparative Advantages in Strengthening Treaty Implementation* (Tejas Rao) 743

https://doi.org/10.1017/S0020589325101139 Published online by Cambridge University Press

Petros C Mavroidis, *Industrial Policy, National Security, and the Perilous Plight of the WTO* (Hae Bin Oh) 746

Mohamed AM Ismail, *Global Contract Law in the Middle East and North Africa: Public Law Constraints* (Mohamed Abdel Wahab) 748

Gizem Guney, David Davies and Po-Han Lee (eds), *Towards Gender Equality in Law: An Analysis of State Failures from a Global Perspective* (Muneeba Javid and Yen-Chiang Chang) 749

https://doi.org/10.1017/S0020589325101139 Published online by Cambridge University Press