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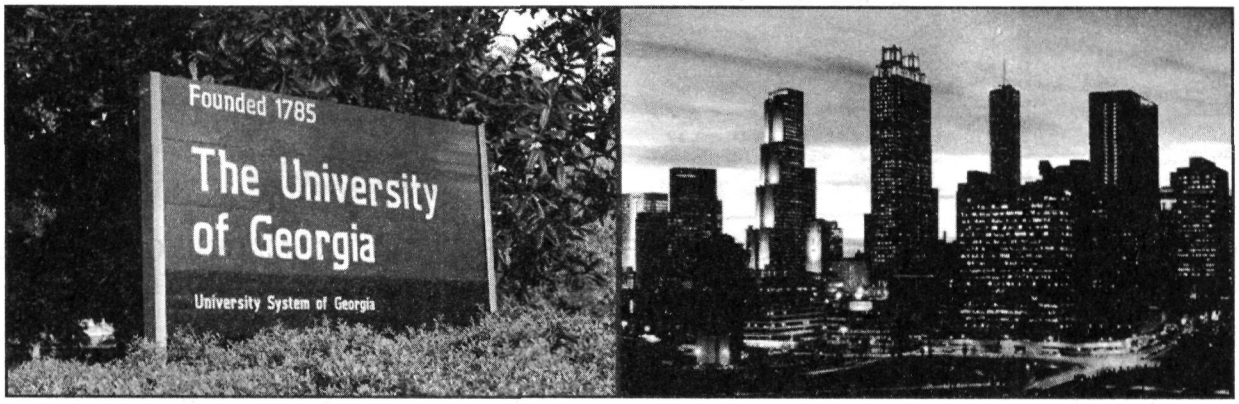
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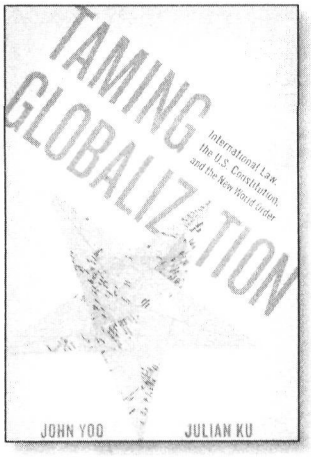
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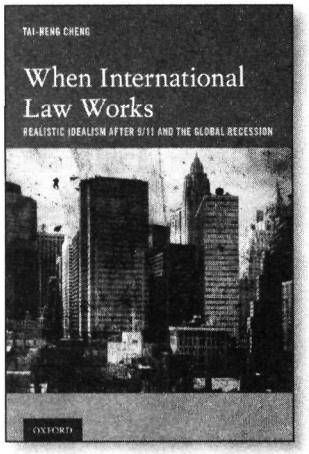
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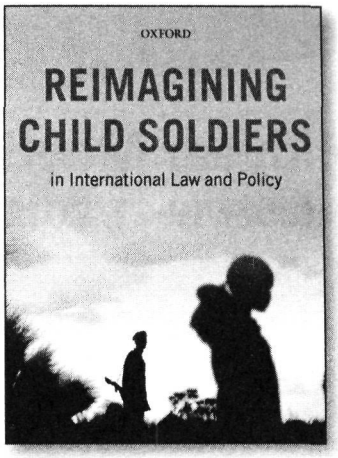
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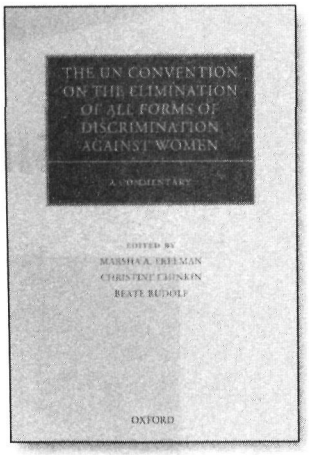
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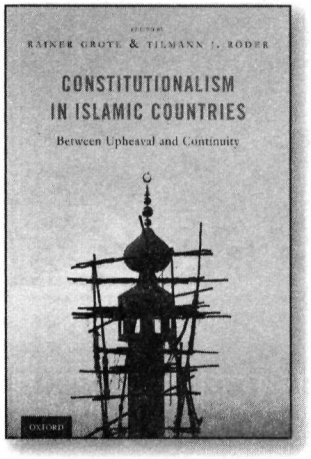
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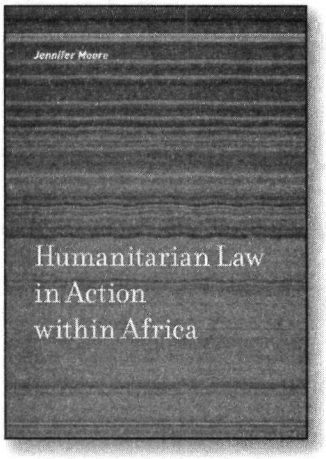
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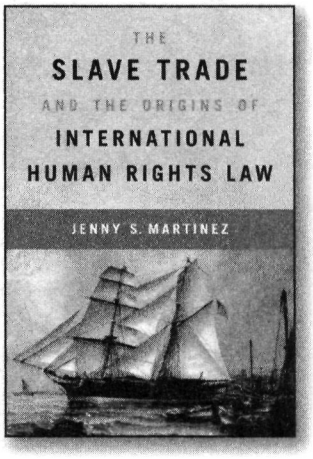
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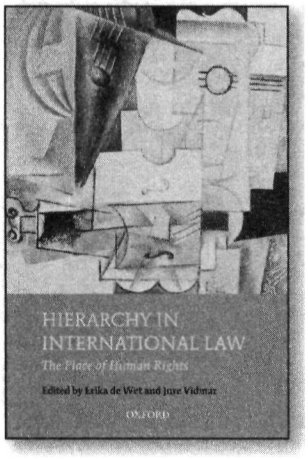
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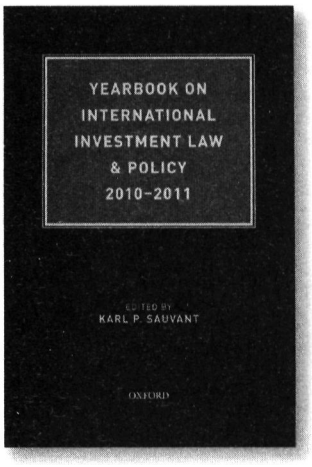
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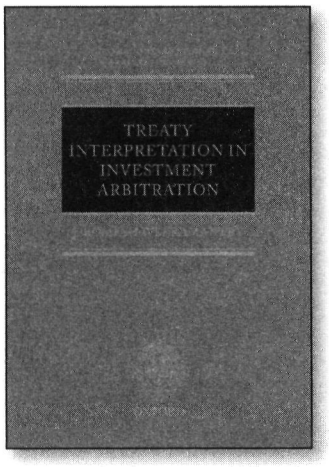
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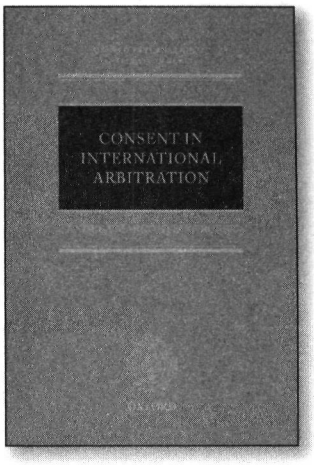
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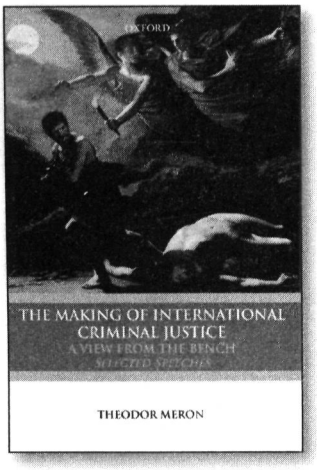
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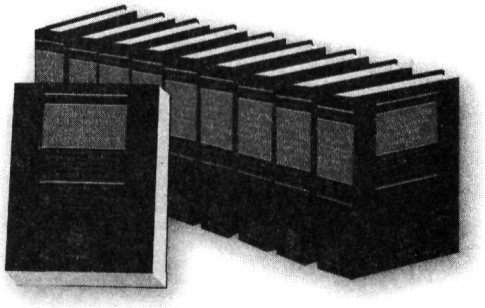
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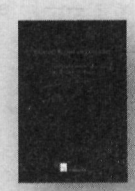
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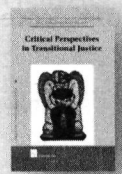
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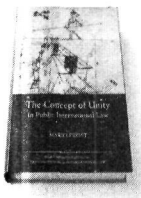
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The Concept of Unity in Public International Law

Mario Prost

'Fragmentation' has become a defining, albeit controversial, metaphor of international law scholarship in the era of globalisation. Some scholars see it as a new development, others as history repeating itself but there is near-consensus about the fact that the established vision of international law as a unitary whole is under threat. At the core of the fragmentation debate lies the concept of unity, but this is hardly ever rationalised and is more assumed than explained. This book attempts to dispel this vagueness by exploring the various possible meanings of the concept of unity in international law. However, eschewing one grand theory of unity, it identifies and compares five candidates. Intentionally pluralistic in its outlook, the book seeks to show instead that the concept of unity is contested and that discourses on fragmentation are necessarily contingent.

The thesis on which the book is based won the 2009 Prize for best doctoral thesis from the Association des professeurs de droit du Québec.

***Mario Prost** is a Law Lecturer at Keele University.*

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*Dr **Isabella D Bunn** is Professor of Ethics at the Florida Institute of Technology, College of Business.*

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*Ole **Kristian Fauchald** is Professor of Law at the University of Oslo.*
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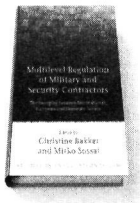
Towards an Interordinal Theory of National, European and UN Law

Luis I Gordillo

The existence of interactions between different but overlapping legal systems has always presented challenges to black letter law. It is in the dynamic relationship between domestic constitutional laws, EU law, the ECHR and the UN Charter that the most persistent difficulties arise. In this context 'interordinal instability' not only provokes strong academic interest, but also affects what has been called 'governance' or 'global government' and undermines both legal certainty and individual fundamental rights. In this book Luis I Gordillo analyses the interordinal instabilities which arise at the European level, focusing on three main strands of case law and their implications: *Solange*, *Bosphorus* and *Kadi*. To solve the difficulties caused by this instability Gordillo proposes a form of soft constitutionalism, which he calls 'interordinal constitutionalism', as a means to bring order and stability to global legal governance.

***Luis I Gordillo** is an Associate Professor at the University of Deusto, Bilbao.*

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The Interplay between International, European and Domestic Norms

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This book analyses and discusses the interplay between international, European, and domestic regulatory measures in the field of private military and security companies. It presents a comprehensive assessment of the existing domestic legislation in EU Member States and relevant Third States, and identifies implications for future international regulation. The book also addresses the crucial questions whether and how the EU can potentially play a more active future role in the regulation of PMSCs to ensure compliance with human rights and international humanitarian law.

***Christine Bakker** is a Research Fellow at the European University Institute in Florence specialising in human rights law, including children's rights.*
***Mirko Sossai** is lecturer in international law at the University of Rome III.*

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Europe and Extraterritorial Asylum

Maarten den Heijer

Increasingly, European and other Western states have sought to control the movement of refugees outside their borders. To do this, states have adopted a variety of measures. This book focuses on the legal implications of external mechanisms of migration control for the protection of refugees and irregular migrants. The book explores how refugee and human rights law has responded to the new measures adopted by states, and how states have sought cooperation with other actors in the context of migration control.

The book received 'The Max van der Stoel Human Rights Award 2011'; and the 'Erasmianum Study Prize 2011'.

***Maarten den Heijer** is Assistant Professor in the department of Public International Law and European Law at the University of Amsterdam.*

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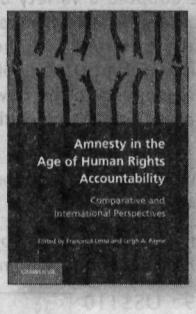
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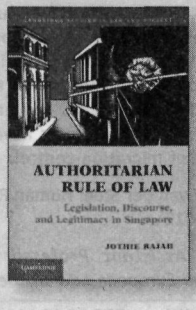
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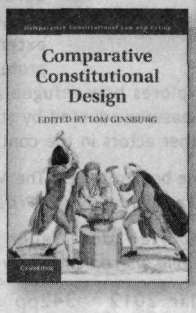
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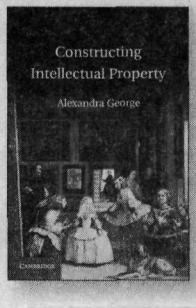
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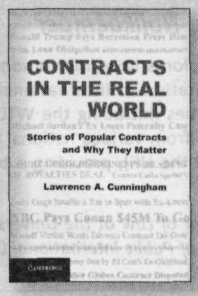
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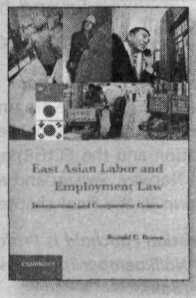












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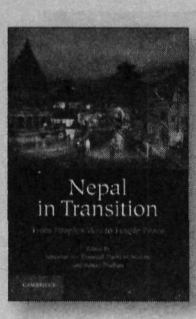
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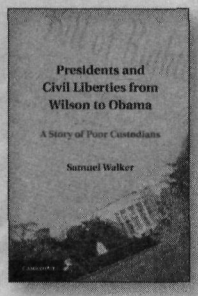
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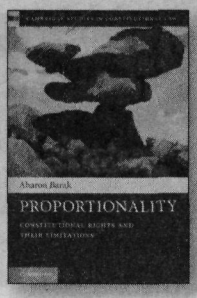
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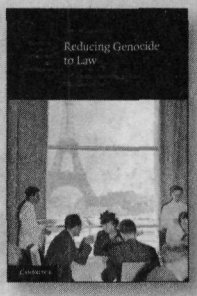
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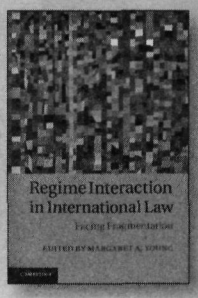
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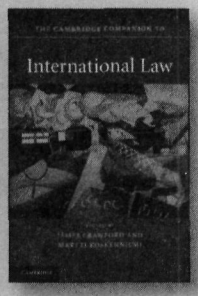












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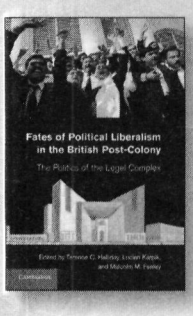
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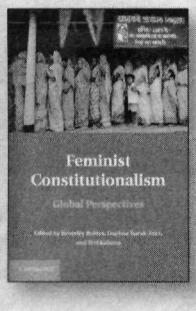
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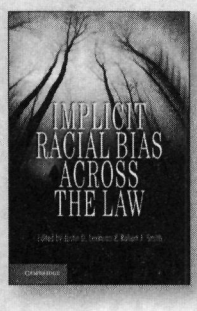
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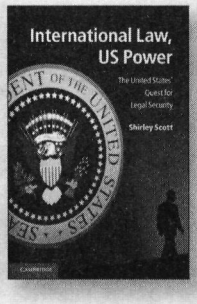
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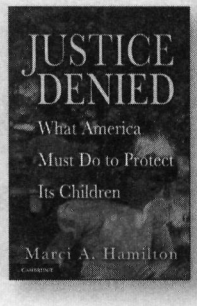
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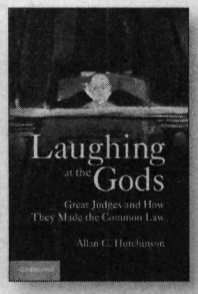












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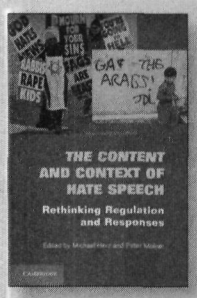
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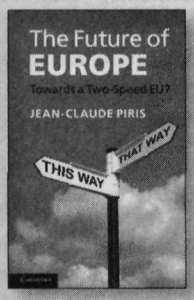
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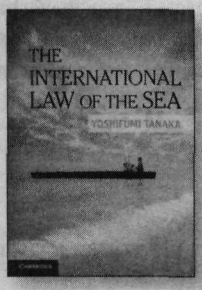
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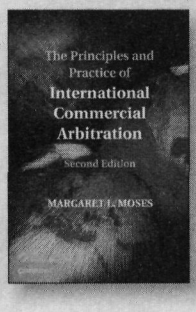
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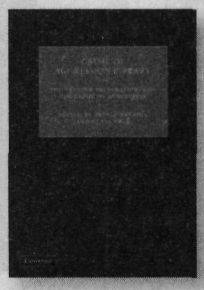
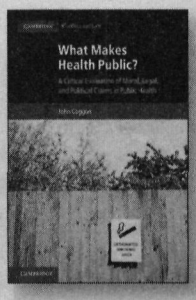
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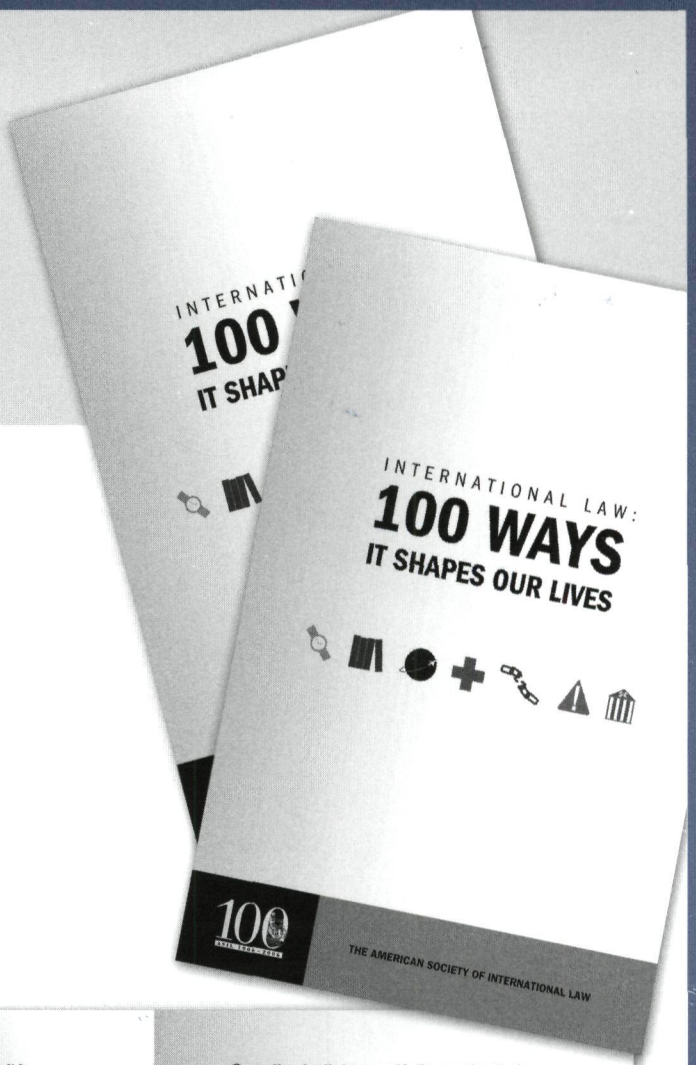
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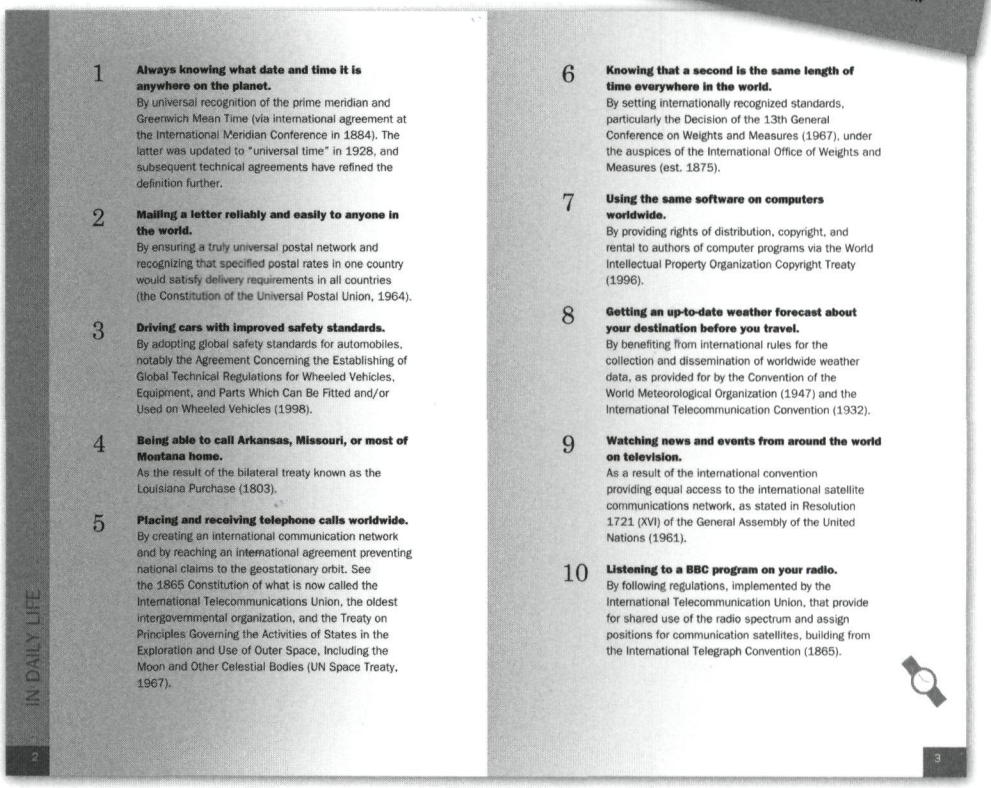
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2 **Mailing a letter reliably and easily to anyone in the world.**
By ensuring a truly universal postal network and recognizing that specified postal rates in one country would satisfy delivery requirements in all countries (the Constitution of the Universal Postal Union, 1964).

3 **Driving cars with improved safety standards.**
By adopting global safety standards for automobiles, notably the Agreement Concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment, and Parts Which Can Be Fitted and/or Used on Wheeled Vehicles (1998).

4 **Being able to call Arkansas, Missouri, or most of Montana home.**
As the result of the bilateral treaty known as the Louisiana Purchase (1803).

5 **Placing and receiving telephone calls worldwide.**
By creating an international communication network and by reaching an international agreement preventing national claims to the geostationary orbit. See the 1865 Constitution of what is now called the International Telecommunications Union, the oldest intergovernmental organization, and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies (UN Space Treaty, 1967).

6 **Knowing that a second is the same length of time everywhere in the world.**
By setting internationally recognized standards, particularly the Decision of the 13th General Conference on Weights and Measures (1967), under the auspices of the International Office of Weights and Measures (est. 1875).

7 **Using the same software on computers worldwide.**
By providing rights of distribution, copyright, and rental to authors of computer programs via the World Intellectual Property Organization Copyright Treaty (1996).

8 **Getting an up-to-date weather forecast about your destination before you travel.**
By benefiting from international rules for the collection and dissemination of worldwide weather data, as provided for by the Convention of the World Meteorological Organization (1947) and the International Telecommunication Convention (1932).

9 **Watching news and events from around the world on television.**
As a result of the international convention providing equal access to the international satellite communications network, as stated in Resolution 1721 (XVI) of the General Assembly of the United Nations (1961).

10 **Listening to a BBC program on your radio.**
By following regulations, implemented by the International Telecommunication Union, that provide for shared use of the radio spectrum and assign positions for communication satellites, building from the International Telegraph Convention (1865).

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Foreword

From its beginning, the Society established as one of its primary functions the regular collection, publication, and dissemination of important international legal materials. These materials were first published as a section of the *American Journal of International Law,* and since the 1960s as the current stand-alone *International Legal Materials* publication. The publication met a critical need in that earlier era—when access to primary source legal materials was limited. Today, access to information is no longer a problem. Indeed, our challenge is too much information. And therein we find a continuing mission for *International Legal Materials.*

The dramatic growth in the international legal field makes it nearly impossible for scholars and practitioners—let alone the general public—to keep abreast of the most important international legal developments. Fortunately they can rely on our staff and Editorial Advisory Committee to sift through the vast array of documents, identify those that are truly significant, and highlight them in *International Legal Materials* and our bi-weekly electronic bulletin, *International Law in Brief.* The Society's periodic *ASIL Insights* provide additional analysis of particularly high-profile developments.

Beginning in 2007, we have been supplementing all documents published in *International Legal Materials* with an introductory note from one of the many experts ASIL counts among its members. These notes provide summaries of the documents and key insights into their significance. In this volume we feature notes by Scott W. Lyons, Chris Jenks, Nassib G. Ziadé, Charles Owen Verrill, Jr., Jeremy K. Sharpe, Virginia Keyder, and Alexander K. A. Greenawalt. We are extremely grateful to these authors, and we are confident that you will value their contributions as well.

Please send us your comments and suggestions as we continue our efforts to meet the evolving needs of the international legal community.

Sincerely,

Elizabeth Andersen
Chair
Editorial Advisory Committee
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