

ISSN 0938-5428 (PRINT)  
ISSN 1464-3596 (ONLINE)

20th Anniversary Volume

# European Journal of International Law

VOLUME 20 • NUMBER 4 • NOVEMBER 2009

[www.ejil.oxfordjournals.org](http://www.ejil.oxfordjournals.org)

[www.ejil.org](http://www.ejil.org)

[www.ejiltalk.org](http://www.ejiltalk.org)



# *European Journal of International Law*

Vol. 20 (2009) No. 4

## **Contents**

### **Editorial**

967

### ***EJIL: Debate! Anniversary Edition***

#### ***Preface***

*Contributions by Rebecca LaForgia, Alexander Somek, Ming-Sung Kuo, Nikolaos Lavranos, Jacob Katz Cogan, Tom Ginsburg, Eyal Benvenisti and George W. Downs, Amrita Kapur, Federico Sperotto, Kimberley N. Trapp, Christian J. Tams, Richard Steinberg, Andrew Lang and Joanne Scott, Jürgen Kurtz, Robert Howse and Efraim Chalamish*

977

### ***Symposium: The Codification of the Crime of Aggression***

#### ***Preface***

**Andreas Paulus**, Introduction

1101

**Roger S. Clark**, Negotiating Provisions Defining the Crime of Aggression, its Elements and the Conditions for ICC Exercise of Jurisdiction Over It

1103

**Andreas Paulus**, Second Thoughts on the Crime of Aggression

1117

**Claus Kreß**, Time for Decision: Some Thoughts on the Immediate Future of the Crime of Aggression: A Reply to Andreas Paulus

1129

**Sean D. Murphy**, Aggression, Legitimacy and the International Criminal Court

1147

### ***Marking the Anniversary of the Genocide Convention***

**Sergey Sayapin**, Raphael Lemkin: A Tribute

1157

#### ***Article***

**Ana Filipa Vrdoljak**, Human Rights and Genocide: The Work of Lauterpacht and Lemkin in Modern International Law

1163

### ***Critical Review of Jurisprudence: An Occasional Series***

**Amabelle C. Asuncion**, Pulling the Stops on Genocide: The State or the Individual?

1195

#### ***Article***

**Sarah Miller**, Revisiting Extraterritorial Jurisdiction: A Territorial Justification for Extraterritorial Jurisdiction under the European Convention

1223

## Review Essay

- Niels Petersen**, *How Rational is International Law?*  
(Andrew T. Guzman. *How International Law Works: A Rational Choice Theory*; Joel P. Trachtman. *The Economic Structure of International Law*) 1247

## Book Reviews

- Eric A. Posner**, *The Perils of Global Legalism* (Joel P. Trachtman) 1263
- Russell A. Miller and Rebecca M. Bratspies (eds)**, *Progress in International Law* (Peter Hilpold) 1270
- Jean d'Aspremont**, *L'Etat Non Démocratique en Droit International. Étude Critique du Droit International Positif et de la Pratique Contemporaine*; **Niels Petersen**, *Demokratie als teleologisches Prinzip. Zur Legitimität von Staatsgewalt im Völkerrecht* (Christian Pippan) 1276
- Alexander Orakhelashvili**, *The Interpretation of Acts and Rules in Public International Law* (Jörg Kammerhofer) 1282
- Eileen Denza**, *Diplomatic Law, Commentary on the Vienna Convention on Diplomatic Relations* (Lance Bartholomeusz) 1286
- Anna-Karin Lindblom**, *Non-Governmental Organizations in International Law*; **Sergey Ripinsky and Peter Van den Bossche**, *NGO Involvement in International Organizations*; **Anton Vedder (ed.)**, *NGO Involvement in International Governance and Policy: Sources of Legitimacy*; **Pierre-Marie Dupuy and Luisa Vierucci (eds)**, *NGOs in International Law: Efficiency in Flexibility?* (Zoe Pearson) 1289
- Yuval Shany**, *Regulating Jurisdictional Relations between National and International Courts* (Filippo Fontanelli) 1297
- Carlos Jimenez Piernas (ed.)**, *The Legal Practice in International Law and European Community Law – A Spanish Perspective* (Jaume Ferrer Lloret) 1303
- Adineh Abghari**, *Introduction to the Iranian Legal System and the Protection of Human Rights in Iran* (Ramin S. Moshtaghi) 1312
- Jan Klabbers**, *Treaty Conflict and the European Union* (Maja Smrkolj) 1316
- Urfan Khaliq**, *Ethical Dimensions of the Foreign Policy of the European Union. A Legal Appraisal* (Helmut Philipp Aust) 1320
- Peter Van Elsuwege**, *From Soviet Republics to EU Member States* (Dimitry Kochenov) 1324
- Constantin Stefanou and Helen Xanthaki (eds)**, *Towards a European Criminal Record* (Ilias Bantekas) 1327
- Christian Reus-Smit and Duncan Snidal (eds)**, *The Oxford Handbook of International Relations* (James Upcher) 1329

## The Last Page

- Richard Falk**, *If the World Lasts Longer than I Do (A Poem)* 1332