

# Introduction

CECILIA M. BAILLIET

International law has undergone tremendous evolution in recent years. The establishment of subsystems such as: international human rights, humanitarian law, international criminal law, trade law, and environmental law spawned a diversity of specialized institutions, tribunals, committees, normative frameworks, and dispute resolution mechanisms.<sup>1</sup> These include procedures for pursuing claims, assigning accountability for violations, and providing reparation for victims. Positive perspectives on the proliferation of regimes argue that this reflects the maturation of international law. One may consider the view of Bruno Simma:

Each regime has thus established its separate epistemic communities of lawyers working in the field, institutions developing and applying the law, and courts and tribunals enforcing it ... The formation of specific methods of interpretation or enforcement is inherent in the set-up of such regimes, and the expertise that lawyers will accumulate by working within them, as well as bodies of case law of the various courts and tribunals mandated to interpret and enforce these regimes, will contribute to a growing and ever more dense corpus of law which responds to the needs of the specific regime. In a positive light, these sub-systems of international law, more densely integrated and more technically coherent, may show the way forward for general international law, as both laboratories and boosters for further progressive development at the global level.<sup>2</sup>

<sup>1</sup> See generally, Peter Malanczuk, *Akehurst's Modern Introduction to International Law* (7th edn., New York: Routledge, 1997), 7–8, addressing the vast expansion of areas of transnational concern.  
<sup>2</sup> Bruno Simma, 'Universality of International Law from the Perspective of a Practitioner', *European Journal of International Law*, 20 (April 2009), 265, arguing that proliferation of tribunals and fragmentation have not prevented the development of coherent international law. See also Thomas M. Franck, *Fairness in International Law and Institutions* (New York: Oxford University Press, 1995).

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In contrast, critical approaches reflect upon the emergence of stratified networks and conferences among expert scholars and government officials as possibly weakening the unity of the field.<sup>3</sup> The creation of internal orders may result in limited opportunities for critical review of normative or theoretical interpretation as external opinion may not be solicited or considered relevant. As an example, the majority of legal literature within the field of human rights is largely positive in orientation.<sup>4</sup> There is a revolving door between scholars and members of the UN human rights machinery (as well as close linkages to non-governmental organizations (NGOs)) which has benefits and drawbacks. Critical perspectives are more likely to come from fields external to law, such as anthropology and sociology.<sup>5</sup>

Furthermore, each subsystem functions autonomously, blocking reference to input from other subsystems.<sup>6</sup> Within humanitarian law, some scholars have effectively erected barriers to perspectives from human rights law. They dispute human rights experts' technical mastery of the concepts of international humanitarian law apply (e.g. "direct

<sup>3</sup> On fragmentation, see International Law Commission/Martti Koskenniemi, *Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law*, A/CN.4/L.682 (April 13, 2006). See also Christoffer C. Eriksen and Marius Emberland, *The New International Law: An Anthology* (Leiden and Boston, MA: Martinus Nijhoff, 2010), addressing polycentric "decision-making structures and fragmented spheres of law."

<sup>4</sup> For a critical legal article, see Oona Hathaway, 'Why Do Nations Join Human Rights Treaties?', *Journal of Conflict Resolution*, 51(4) (2007), 588. See also: Beth Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (New York: Cambridge University Press, 2009), presenting an alternative view; Elizabeth Bartholet, 'International Adoption: Thoughts on the Human Rights Issues', *Buffalo Human Rights Law Review*, 13 (2007), 151, criticizing UN and human rights NGOs. A forthcoming publication which promises critical perspectives is Frederic Megret and Philip Alston, *The United Nations and Human Rights: A Critical Appraisal* (New York and Oxford: Oxford University Press, 2011).

<sup>5</sup> See for example: Costas Douzinas, *Human Rights and Empire* (Routledge, 2007); Richard Ashby Wilson and Jon P. Mitchell, *Human Rights in Global Perspective* (London: Routledge, 2003); Anne Hellum, Shaheen Sardar Ali, and Anne Griffiths (eds.), *From Transnational Relations to Transnational Law: Northern European Laws at the Crossroads* (Farnham: Ashgate, 2011).

<sup>6</sup> Francesco Francioni, 'International Human Rights in an Environmental Horizon', *European Journal of International Law*, 21(1) (2010), 41, lamenting the reluctance of human rights courts to move beyond the "individualistic perspective" in order to address environmental claims in a meaningful way. See also Petros C. Mavroidis, 'No Outsourcing of Law? WTO as Practiced by WTO Courts', *American Journal of International Law*, 102(3) (July 2008), 421, discussing the neglect of the World Trade Organization (WTO) adjudicating bodies of non-WTO sources.

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participation in hostilities”) and question their familiarity with combat operations.<sup>7</sup> This reflects a possible fear that human rights considerations will irreparably dilute international humanitarian law.<sup>8</sup> There is also concern regarding potential risks of political/power dilemmas behind normative development, given that government officials pursue state imperatives to advance the national interest above broader objectives in their contributions to the technical advancement of law.<sup>9</sup>

<sup>7</sup> See Michael N. Schmitt ‘Military Necessity and Humanity in International Humanitarian Law: Preserving the Delicate Balance’, *Virginia Journal of International Law*, 50 (2010), 796–839. The counter-perspective is supported within public international law and human rights tribunals and committees: see International Court of Justice (ICJ), *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 2004 ICJ Reports (July 9, 2004), at paras. 106–13, confirming the relevance of human rights law in situations of occupation. See also: ICJ, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, ICJ Reports (December 19, 2005), para. 216; UN Human Rights Committee, General Comment No. 31, CCPr/C/21/Rev.1/Add.13 (May 26, 2004), at para. 11, noting the complementary nature of human rights and humanitarian norms in situations of armed conflict; European Court of Human Rights, *Isayeva, Yusupova and Bazayeva v. Russia* (December 19, 2002), and *Cyprus v. Turkey* (10 May 2001). See also Marco Sassòli and Laura Loson, ‘The Legal Relationship Between International Humanitarian Law and Human Rights Law Where It Matters: Admissible Killing and Internment of Fighters in Non-International Armed Conflict’, *International Review of the Red Cross*, 90(871) (September 2008), calling for choice of law based on specific applicability to the situation (available online at: [www.icrc.org/eng/resources/documents/article/review/review-871-p599.htm](http://www.icrc.org/eng/resources/documents/article/review/review-871-p599.htm); last accessed February 15, 2012).

<sup>8</sup> An additional point of concern is that the relationship between conservative international humanitarian law (IHL) scholars and the International Committee of the Red Cross (ICRC) appears strained at times, with the former alleging that that latter lacks sufficient expertise within the field or is inappropriately responding to pressures from human rights NGOs or other actors. See W. Hays Parks, Part IX of the ICRC, “‘Direct participation in Hostilities’ Study: No Mandate, No Expertise, and Legally Incorrect”, *New York University Journal of International Law and Politics*, 42(3) (spring 2010), 770 (available online at: [www.law.nyu.edu/ecm\\_dlv4/groups/public/@nyu\\_law\\_website\\_\\_journals\\_\\_journal\\_of\\_international\\_law\\_and\\_politics/documents/documents/ecm\\_pro\\_065930.pdf](http://www.law.nyu.edu/ecm_dlv4/groups/public/@nyu_law_website__journals__journal_of_international_law_and_politics/documents/documents/ecm_pro_065930.pdf); last accessed February 15, 2012).

<sup>9</sup> For a specific example, see the Program on Humanitarian Policy and Conflict Research at Harvard University (HPCR) Manual on Air and Missile Warfare completed by academic and government experts (available online at: [www.ihlresearch.org/amw](http://www.ihlresearch.org/amw)). The experts originated from Australia, Belgium, Germany, Sweden, the United States, Switzerland, the UK, Norway, and Canada. Slaughter would highlight the state’s interest as being defined by the individuals and groups within it. Anne-Marie Slaughter, ‘International Law in a World of Liberal States’, *European Journal of International Law*, 6 (1995), 503, 505. See also: Anne-Marie Slaughter and David Zaring, ‘Networking Goes International: An Update’, *Annual Review of Law and Social Science*, 2 (2005), 211, 215; Sean Kanuck, ‘Pragmatic Law for International Security’, in Cecilia M. Bailliet (ed.), *Security: A Multidisciplinary Normative Approach* (Leiden and Boston, MA: Martinus Nijhoff,

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In contrast, at the regional level, the Inter-American Human Rights Court has proved more open to referring to norms from other regimes.<sup>10</sup> Linked to this counter-trend is a growing literature in which human rights scholars examine the failure of international organizations engaged in development work to incorporate human rights perspectives within their operations and/or policies.<sup>11</sup>

Hence, the unfolding of fragmentation is complex and riddled with contradictions, progression, and retrogression. Paul Schiff Berman concludes:

Instead of bemoaning either the ‘fragmentation’ of law or the messiness of jurisdictional overlaps, we should accept them as a necessary consequence of the fact that communities cannot be hermetically sealed off from each other. Moreover, we can go further and consider the possibility that this jurisdictional messiness might, in the end, provide important systemic benefits by fostering dialogue among multiple constituencies, authorities, levels of government, and non-state communities. In addition, jurisdictional redundancy allows alternative ports of entry for strategic actors who might otherwise be silenced.<sup>12</sup>

The chapters within this book cross disciplinary boundaries. They advocate harmonization over fragmentation pursuant to the aspiration of asserting the interests of our collective humanity without necessarily advocating an international constitutional order. In the spirit of global legal pluralism they call for communication among multiple legalities – finding common concerns among the different orders, while respecting

2009), at 350 and 360, explaining that government practitioners “are literally paid to seek the greatest economic, political, or military advantage for their respective countries” and “government practitioners strive to resolve specific issues and manage risks within the purview of their public mandates, particular departments or agencies, and terms of office.”

<sup>10</sup> Lucas Lixinski, ‘Treaty Interpretation by the Inter-American Court of Human Rights: Expansionism at the Service of the Unity of International Law’, *European Journal of International Law*, 21(3) (2010), 585–604.

<sup>11</sup> See: Mac Darrow and Louise Arbour, ‘The Pillar of Glass: Human Rights in the Development Operations of the United Nations’, *American Journal of International Law*, 103(3) (July 2009), 446; Galit A. Sarfaty, ‘Why Culture Matters in International Institutions: The Marginality of Human Rights at the World Bank’, *American Journal of International Law*, 103(4) (October 2009), 647; Guglielmo Verdirame, *The UN and Human Rights: Guarding the Guardians* (New York: Cambridge University Press, 2010), assessing UN humanitarian operations and their compliance with human rights law.

<sup>12</sup> Paul Schiff Berman, ‘Federalism and International Law through the Lens of Legal Pluralism’, *Missouri Law Review*, 73 (Fall 2008), 1151.

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internal perspectives.<sup>13</sup> Hence, this book may be characterized as a product of the post-fragmentation period, in which scholars seek to redirect attention towards articulating the necessary components to realize the universal aspirations articulated in the UN Charter preamble of attaining “the equal rights of men and women and of nations large and small . . . to promote social progress and better standards of life in larger freedom.”<sup>14</sup> It is suggested that the construction of instrumental architecture to pursue a global humanitarian imperative is contingent on the recognition of the interdependence and interrelatedness of norms and interests across and between sub-fields, improving the participation and inclusion of vulnerable groups and individuals, and

<sup>13</sup> See Emmanuel Melissaris, *Ubiquitous Law: Legal Theory and the Space for Legal Pluralism* (Farnham: Ashgate, 2009). William Twining defining legal pluralism, comments that it “primarily articulates detachment from legal centralism revolving around state law, criticism of the exclusiveness of state law, decentralization of court-centered judicial studies, exploration of non-state legal orders, unveiling of informal socio-legal practices, and an understanding of law as a multi-centered field that deals with the convergence of norms, localities, states, global sites, and practices. Scholarship of legal pluralism has underscored the ways in which various identities and traditions have decentralized state law and offered non-state legal orders” (‘Normative and Legal Pluralism: A Global Perspective’, *Duke Journal of Comparative and International Law*, 20 (spring 2010), 473). See also: Paul Schiff Berman, ‘From International Law to Law and Globalization’, *Columbia Journal of Transnational Law*, 43 (2005), 485; Andreas Fischer-Lescano and Gunther Teubner, ‘Regime-Collisions: The Vain Search for Legal Unity in the Fragmentation of Global Law’, *Michigan Journal of International Law*, 25 (2004), 999; William W. Burke-White, ‘International Legal Pluralism’, *Michigan Journal of International Law*, 25 (2004), 963; Paul Schiff Berman, ‘The New Legal Pluralism’, *Annual Review of Law and Social Science*, 5 (2009), 225; Nico Krisch, ‘The Pluralism of Global Administrative Law’, *European Journal of International Law*, 17 (2006), 247; David Kennedy, ‘The Mystery of Global Governance’ *Ohio Northern University Law Review*, 34 (2008), 827; Brian Z. Tamanaha, ‘Understanding Legal Pluralism: Past to Present, Local to Global’, *Sydney Law Review*, 30 (2008), 375. As noted by Gráinne de Búrca: “Pluralist approaches to the international legal order claim to preserve space for contestation, resistance, and innovation, and to encourage tolerance and mutual accommodation in pursuit of accountability” (‘The European Court of Justice and the International Legal Order after *Kadi*’, *Harvard International Law Journal*, 50 (winter 2010), 1).

<sup>14</sup> See: A. A. Cancado Trindade, *International Law for Humankind: Toward a New Jus Gentium* (Leiden and Boston, MA: Martinus Nijhoff, 2010); Raphael Domingo, *The New Global Law* (New York: Cambridge University Press, 2010). On improving human well-being and agency, see: Amaryta Sen, ‘Democracy as a Universal Value’, *Journal of Democracy*, 10(3) (1999), 3. On the concept of global justice, see: Thomas Pogge and Darrel Mollendorf, *Global Justice: Seminal Essays* (St. Paul, MN: Paragon, 2008); and Boaventura de Sousa Santos, *Toward a New Legal Common Sense* (London: Butterworths, 2002), on the emancipative potential of law.

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addressing the accountability of state and non-state actors for violations or regressions of minimum protection guarantees.

This book may also be considered post-Westphalian, as it seeks to move beyond the focus of the international legal system upon states as primary subjects.<sup>15</sup> At present nearly all sub-fields of international law underscore the importance of non-state actors and sub-state actors in contemporary normative evolution, interpretation, and enforcement.<sup>16</sup> International lawmaking is increasingly characterized by a transnational legal process of evolvement, in which civil society and others contribute to the articulation of recognition of legal rights at national, regional, and international levels.<sup>17</sup> The authors pursue a call for “consciousness raising” by identifying gaps and conundrums presented by omissions within normative or institutional frameworks to address vulnerable interests, including women, children, and the environment. Several

<sup>15</sup> See: Antonio Cassese, *International Law* (2nd edn., Oxford: Oxford University Press, 2005), 3–6; Malcolm Shaw, *International Law* (6th edn., New York: Cambridge University Press, 2008), 43–9; Anthony Carty, *Philosophy of International Law* (Edinburgh: Edinburgh University Press, 2007).

<sup>16</sup> See: Anne Peters, Lucy Koechlin, Till Förster, and Gretta Fenner Zinkernagel (eds.), *Non-State Actors as Standard Setters* (Cambridge: Cambridge University Press, 2009); Steve Charnovitz, ‘The Relevance of Non-State Actors to International Law’, in Rüdiger Wolfrum and Volker Röben (eds.), *Developments of International Law in Treaty Making* (Berlin and New York: Springer, 2005), 544–8; Andrew Clapham, *Human Rights Obligations of Non-State Actors* (Oxford: Oxford University Press, 2006); Philip Alston, *Non-State Actors and Human Rights* (Oxford: Oxford University Press, 2005); Anne-Marie Slaughter, ‘The Real New World Order’, *Foreign Affairs*, 76(5) (Sept.–Oct. 1997), 183–97; Philippe Sands, ‘Turtles and Torturers: The Transformation of International Law’, *New York University Journal of International Law and Policy*, 33 (2001), 527, 529–30; Peter J. Spiro, ‘Non-State Actors in Global Politics’, *American Journal of International Law*, 92(4) (1998), 808.

<sup>17</sup> See, for example, Philip C. Jessup: “All law which regulates actions and events that transcend national frontiers. Both public and private international law are included, as are other rules which do not wholly fit into such standard categories” (*Transnational Law* (New Haven, CT: Yale University Press, 1956), 3). Also: Harold Hongju Koh, ‘Why Do Nations Obey International Law?’, *Yale Law Journal*, 106 (1997), 2599, discussing transnational legal process; Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999), addressing transnational human rights networks; Mireille Delmas-Marty, *Ordering Pluralism. A Conceptual Framework for Understanding the Transnational Legal World* (Oxford: Hart, 2009); Anne Hellum, Shaheen Sardar Ali, and Anne Griffiths (eds.), *From Transnational Relations to Transnational Law* (Farnham: Ashgate, 2011); Malcolm Langford (ed.), *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law* (New York: Cambridge University Press, 2008), describing the acknowledgement of justiciability of social rights within national, regional, and international jurisdictions.

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chapters highlight the importance of giving voice to victims and affected parties, such as via participation in design of substantive and reparative norms. Also included within this volume is a reflection upon the contribution of feminist approaches to international law, as well as the pursuit of sustainable development.<sup>18</sup> The authors were invited to discuss to what extent non-state actors (such as multinational companies or NGOs) promote the creation of new (quasi-legal) norms and why regulation is difficult by institutions at different levels.

## Overview of the chapters

Part I tackles the silence of victims within international criminal law brought about by normative and institutional gaps. It opens with Catharine MacKinnon's chapter, in which she attributes gender as having transformed international law, altering doctrines relating to state vs. private actors, jurisdiction, and sovereignty via NGO identification of everyday sexual atrocities. Nevertheless, she asserts that the international legal literature ignores the innovation linked to penalization of gender crimes. To the extent recognition is given, it is largely within the context of international criminal law. She highlights the existence of a "very real norm of nonobservance of the prohibition of gender crimes." Everyday gender crimes remain subject to denial and victims are silenced. MacKinnon underlines the fact that nations are not the principal actors in either disobeying or enforcing obedience to laws against gender crime. She poses the question as to whether rape should be recognized as a separate international crime on its own terms. MacKinnon identifies everyday gender crimes as "the longest-running siege of crimes against humanity in the history of the world" and that "sexually violated women and international jurisdiction belong together." Sadly, it is claimed that women attain more rights the further away from home they get.<sup>19</sup>

<sup>18</sup> On feminism and international law, see Hilary Charlesworth and Christine Chinkin, *The Boundaries of International Law: A Feminist Analysis* (New York: Juris, 2000); Doris Buss and Ambreena Manji, *International Law: Modern Feminist Approaches* (Oxford: Hart, 2005). On sustainable development, see Christina Voigt, *Sustainable Development as a Principle of International Law: Resolving Conflicts Between Climate Measures and WTO Law* (Leiden and Boston, MA: Martinus Nijhoff, 2009); see generally Patricia Birnie, Alan Boyle, and Catherine Redgwell, *International Law and The Environment* (3rd edn., Oxford: Oxford University Press, 2009).

<sup>19</sup> See also Rosa-Linda Fregoso and Cynthia Bejarano (eds.), *Terrorizing Women: Feminicide in the Americas* (Durham, NC: Duke University Press, 2010), addressing the national-state's failure to protect women from violence, and the pursuit of transnational remedies.



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In Chapter 3, Christine Byron analyzes the situation of the female child within the situation of armed conflict. She studies the overlooked issue of sexual abuse of female children by the same forces they have been recruited to (rather than enemy forces). The chapter seeks to dismantle the legal cloak of invisibility around the victims by discussing to what extent sexual abuse would constitute a crime against humanity or a war crime. She also addresses the failure of the International Criminal Court (ICC) to prosecute commanders for rape and the sexual enslavement of girls. Byron examines the *nullem crimen* principles and indicates the devastating possibility that girls may give evidence as to their child-soldier experience, but not address rape they have endured. In conclusion, she calls for the girl child soldier to be heard, adding: “If the Office of the Prosecutor feels that such prosecutions cannot succeed currently, then the Rome Statute needs to be amended.”

Fionnuala Ní Aoláin in Chapter 4 provides a critical review of the lack of transformative impact of UN Security Council Resolutions 1325, 1820, 1888, and 1889 on the situation of women in conflict and post-conflict situations. She identifies a situation of fragmentation and characterizes the UN Security Council as further compounding the stratification of norms that women receive in post-conflict and conflict settings. Aoláin describes “An ongoing pattern of international lawmaking for and about women has been consistent marginalization of those issues women identify as affecting them most. Lawmaking does not undo marginalization; it may serve to compound certain exclusions and inequalities.” She notes the tendency of the international community to issue soft law pertaining to women in conflict, rendering enforcement possibilities weak. In addition, possibilities are limited for women’s enjoyment of agency, autonomy, and the pursuit of cross-issue coalitions to build power and influence. She underscores that “Women are the group most historically marginalized and excluded from the peace-making and peace-building process across all jurisdictions and conflicts,” and this is unfortunately not remedied by the elaboration of new norms.

In Chapter 5, Edda Kristjánsdóttir examines victim reparations at the ICC and the issue of complementarity. She highlights dilemmas such as what constitutes an adequate national procedure, whether the choice of reparation reflects the wishes of victims, and how the reparations provisions of the Rome Statute are being incorporated into domestic procedures. The chapter scrutinizes protection gaps between the international and national levels of criminal justice, and seeks to highlight the importance of re-examining the normative framework from the perspective



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of upholding the primacy of the interests and needs of the victims for whom the institutions were established in the first place.

Part II presents international human rights law and addresses dilemmas relating to the emergence of non-state actors as violators and enforcers of human rights and the need for accountability measures applicable to civil society. It opens with Cecilia M. Bailliet's chapter, in which she queries what is to become of the human rights international order within an age of neo-medievalism. Bailliet contends that human rights must be released from their tie to sovereignty and be reinterpreted via recognition of the individual's fundamental obligations towards self, family, community, state, and humanity. She describes the escalation of a phenomenon of failing or failed states, as well as a counter-trend of authoritarianism, and reviews the main legitimacy challenges facing the international human rights system.

She also identifies a challenge presented by cultural differentiation which requires restoration of the balance between rights and duties. She further notes that "the emphasis of the international human rights community on rights, often to the exclusion of duties, may well be one of the factors behind widespread rejection/marginalization of human rights within Africa, the Middle East, and Asia. Several regimes and social actors view NGOs with accompanying individual-focused human rights policies as sources of instability and antagonism, actually challenging the larger communitarian or collective interest . . . Should human rights institutions and NGOs take into account duties in conjunction with rights, they may well find increased spaces for dialogue with societal and state actors, thereby setting a foundation for increased legitimacy." Bailliet characterizes the emergence of new soft law addressing due diligence obligations of transnational companies as an example of a creative, new protection approach, but indicates concern for weakness regarding accountability. Her conclusion calls for a transnational flexible approach towards the articulation and implementation of duties depending on the context of application and guaranteeing the participation of individuals and vulnerable groups.

In Chapter 7, Karima Bennouna addresses the issue of diversity of NGOs, examining the dynamic between women's human rights NGOs and "mainstream" human rights actors. She describes trends towards viewing NGOs within a unitary paradigm: as a homogeneous group, as the saviors of international law dilemmas; or alternatively as unaccountable, political actors. She underscores how NGOs shape international adjudication by bringing cases, drafting *amici*, providing information,

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making statements, and verifying and sometimes enforcing state compliance within international law. Most importantly, she lauds NGOs for setting agendas and prioritizing international law debates. Within human rights, she notes that NGOs have an important role, given the limited enforcement capacity of the legal system, the under-resourcing of the UN human rights machinery, and the nature of the human rights project. She assesses NGO dynamics within the definition of torture and the attitude of NGOs towards fundamentalist non-state actors in the context of the war on terror. Bennoune suggests that “we need to contemplate how to confront situations when differences in the stances of NGOs instead cause problems for women’s human rights advocacy, and arguably shape international law process and discourse in ways that are harmful to women’s human rights or are at odds with the views of women’s human rights defenders (who may of course themselves have diverse positions).”

Chapter 8 discusses transnational legal dilemmas involving women’s access to justice as exemplified by a case study of the Pakistani-Norwegian migrant community in Oslo. Anne Hellum reviews Norway’s response to the CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) Committee’s conclusions addressing concern for the availability of legal remedies for migrant women. She then presents the experience of a Pakistani women’s organization and its coordination with NGOs to navigate a range of institutions, including Norwegian courts and imams, and norms, *inter alia* Norwegian law, Islamic law, and international human rights. She explains how the informal justice spaces provided by non-state entities promote pluralism, choice, and recognition to women who have been marginalized by state law, as well as religious and customary legal orders. Hellum also assesses the complex relationship between the right to legal information, choice, and autonomy in the context of transnational identity. She notes “For people living transnational lives, neither international nor national laws are the sole mechanisms for regulating their affairs.” Her chapter seeks to demonstrate how “a grounded, pluralist, and relational women’s law approach” can support migrant women’s access to justice.

Part III presents tensions pertaining to sovereignty and normative implementation within international environmental law. It opens with Hari M. Osofsky’s chapter, which takes note of the participation of NGOs, corporations, cities and states in forums addressing climate change. There they create transnational agreements and try to influence