

INDEX

- abolishment of life imprisonment for minors, 195
 abortion, 36, 200
 Accountability and Reconciliation Agreement (Juba Peace process), 59
 Acholi justice and reconciliation mechanisms, 52–54, 55
 Amnesty International, 218, 219, 220, 224
 amplifying, defined, 47–48
 anti-apartheid movement, 237, 242
 anti-corruption measures, 121, 136–137
 Arbour, Louise, 150
 Arendt, Hannah, 229
Arrest Warrant case, 166, 171–182
 artistic experimentation, 41
 asylum seekers, 205, 219
 Austrian Constitution, 216
aut dedere aut punire doctrine, 179
 authoritarian regimes, 2
- Balkan wars, 30
 Ban Ki-moon, 74, 154, 184
 Barak, Ehud, 68
 Belgium, 166, 171–182
 boomerang effect, 189
 Brazil, 156
 Bribery Act (UK), 133–134
 bribery transactions, 131, 140
 Buss, Doris, 15
- Canadian arm of Freedom Flotilla (FF) campaign, 72–73
 Centre for Applied Human Rights, 221, 222, 223
 Chesterman, Simon, 149, 159
- child abduction. *see* international child abduction
 Child Rights Connect, 204
 Children's Ombudsman, 193–195, 204
 Christian Union (CU) party, 194
 Civil Law Convention on Corruption, 122
 civil society, 12, 17, 49, 55, 73, 111, 145, 186, 209, 212–213, 223, 227, 229, 231
 Code of Criminal Procedure, 195
 cognitive bias, 26
 Cold War, 30, 144, 146
 collective punishment, 30, 69, 79, 81, 82, 86
 colonialism, 30, 88, 110
 Commission Statement on the Relationship of Cooperation to Agency Enforcement Decisions (2001), 132
 common rules repudiating corruption, 140
 Concluding Observations (COs) of the Committee on the Rights of the Child
 adoption of, 186–188
 implementation in Netherlands, 190–195
 introduction to, 20
 mobilisation of domestic actors, 201–206
 summary of, 206–207
 Convention against Torture (CAT), 205
 Convention on Combating Bribery of Foreign Public Officials in International Business

- Transactions (OECD Convention), 121, 122–123
- Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), 101, 213
- Convention on the Fight against Corruption involving Officials of the European Communities or Member States of the European Union (EU Convention), 122
- corporal punishment prohibition, 197–199
- corruption. *see* criminalizing corruption
- cosmopolitan justice/cosmopolitanism, 5, 19, 143–147, 155–158
- Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, 105–106
- Council of the European Union (CEU), 121
- Council on General Affairs and Policy of the Hague Conference, 103
- Covenant of the League of Nations, 25
- crimes against humanity, 142, 146
- criminalising corruption
- anti-corruption measures, 121, 136–137
 - bridging impunity gap, 120–127
 - conflicts and gaps, 128–130
 - foreign-based corruption, 130–136
 - impunity gap in corruption, 18–19, 120–127
 - introduction to, 119–120
 - politics of management, 127–128
 - summary of, 139–141
- Cryer, Robert, 156
- cultural-embeddedness, 21, 236, 238, 242
- cultural implications of law, 11
- Daily Telegraph*, 66, 76
- Defence for Children International, 194, 197, 203, 205
- Deferred Prosecution Agreements Code of Practice, 136
- Del Ponte, Carla, 30
- demand-side corruption, 131
- Democratic Republic of Congo (DRC), 166, 171–182
- democratic rule of law, 2
- Denmark, 127
- Die Internationale Rechtspflege: Ihr Wesen und Ihre Grenzen* (Morgenthau), 23
- domestic mobilisation, 187, 189
- duck-rabbit image, 26–29, 228, 233, 241
- Durban Review Conference, 231
- Dutch Association of Municipalities, 220, 224
- Dutch Lawyers Committee for Human Rights (NJCM), 197
- East German *Stasi*, 31
- economic globalisation, 1–2
- egalitarianism, 7
- Eichmann* judgments, 174, 175–176
- electronic country profile (eCountry profile), 96
- environmental law, 40, 138
- ethnic cleansing, 146
- ethnic minorities, 205
- Eurocentrism, 107, 110
- European Campaign to End the Siege in Gaza, 71
- European Charter for the Safeguarding of Human Rights in the City (ECHRC), 213
- European Coalition of Cities against Racism (ECCAR), 213, 231
- European Commission against Racism and Intolerance, 206
- European Convention for the Prevention of Torture, 205
- European Convention on Human Rights (ECHR), 205, 216, 228
- European Court of Human Rights (ECtHR), 97
- European Journal of International Law, 13
- European Local Democracy week, 220
- European Social Charter, 206

- European Training and Research
 Centre for Human Rights and
 Democracy (ETC), 215
 Evans, Gareth, 153
ex ante applicable rule, 25
 excessive managerialism, 13, 18,
 107, 139
- Fairness Commission, 226
 Falk, Richard, 5, 64
 Fatah, 66
fiat justitia, pereat mundus, 36
 Finland, 36, 38
 foreign-based corruption, 19, 130–136
 foreign civil protection orders, 103–106
 Foreign Corrupt Practices Act (FCPA),
 123–125, 128, 131–132, 137–139
 foreign direct investment, 1
 formalisation, 216
 fragmentation and politics of re-
 description, 40–44
 Franciscan poverty controversy, 37
 Free Gaza Movement, 71, 74, 80, 236
 Freedom Flotilla (FF) campaigns in
 Gaza
 direct action, 71–75
 effect on blockade, 83–84
 introduction to, 5, 12, 17, 63–65
 legal status of Gaza, 67–70
 methodology of interviews, 66–67
 news coverage and international
 response, 75–77
 summary of, 85–88, 236, 241
 UN and Israeli response, 77–83
 freedom of movement and trade, 69
 function of law, 10–12
*The Function of Law in the
 International Community*
 (Lauterpacht), 24
 Fundamental Rights Agency (FRA), 220
- Gaddafi, Muammar, 153, 155, 157, 159
 gay rights, 218, 226
 Gaza blockade. *see* Freedom Flotilla
 (FF) campaigns in Gaza
 Geneva Conventions, 5, 69, 70, 79
 genocide, 142, 146
 global constitutionalism, 5
 global human rights obligations, 20–21
 global justice
 Acholi justice and reconciliation
 mechanisms, 52–54, 55
 blind justice, 29
 cosmopolitan justice, 5, 19, 143–147,
 155–158
 elusiveness of, 6–10
 function of law and, 10–12, 118
 globalisation and, 1–6
 ICC promise of, 51
 international criminal justice, 14–15,
 17, 29–33, 235
 international justice, 16, 236–240
 realisation of justice, 16
 social justice, 6–7, 11
 structural bias in international law,
 12–16
 transitional justice, 17, 58–61
 translating international law into,
 236–240
- globalisation
 economic globalisation, 1–2
 global justice and, 1–6
 overview of, 16–21
 rights realisation, 211
- globalisation of justice at ICC
 Acholi justice and reconciliation
 mechanisms, 52–54, 55
 consultations with Ugandan
 population, 57–58
 internationalisation of Juba Peace
 process, 56–57
 introduction to, 46–48
 Juba Peace process, 55–61
 legal re-description of military
 approach, 50–55
 legalistic approach to peace, 58–61
 local resistance to, 52–54
 Lord's Resistance Army (LRA), 47,
 48–50, 55–56, 236
 summary of, 62
 Ugandan conflict, 47, 48–50
The Globe and Mail, 66, 76
 glocalisation, 211
 government *grosso modo*, 28
 Graz, Austria, as human rights city,
 214–217

- Gready, Paul, 221, 222
 Greenpeace, 11, 41
 Grotius, Hugo, 37–38
Guide to the U.S. Foreign Corrupt Practices Act, 133
- Habré, Hissène, 9
 Hague Child Support Convention
 access to judicial provisions, 94–96
 economic benefits and international economic rights, 98–99
 government involvement, 107
 information technology (IT) features, 96–97
 overview of, 91–94, 109–111
 Hague Conference on Private International Law, 18, 91, 239
 Hague Convention on International Child Abduction, 91, 99–104, 109–111
 Hague Convention on the International Protection of Adults, 90
 Hague Conventions
 Child Support Convention, 91–99, 107, 109–111
 individual in international law, 111–113
 International Child Abduction, 91, 99–104, 109
 International Protection of Adults, 90
 introduction to, 89–91
 recognition of foreign civil protection orders, 103–106
 response to general critique of international law, 106–111
 summary of, 113–118
 Hamas, 66, 68
 hate speech, 3, 217
 hegemonic technique in international law, 165
 Higgins, Rosalyn, 10–11
 Hitler, Adolf, 30
 homelessness, 226
 honour, 23, 114
 housing for juvenile offenders, 196–197
 human rights
 global *acquis* of, 115
 global human rights obligations, 20–21
 instrumentalised by public authorities, 6
 international human rights, 19, 223–228, 239
 international human rights obligations, 19
 language of international law, 37–40
 transnational human rights mobilisation, 188–190
 violations of, 3
 human rights cities
 Graz, Austria, 214–217
 international human rights frame for, 223–228
 introduction to, 208–212
 politics of, 228–231
 rise of, 212–214
 summary of, 231–232
 Utrecht, Netherlands, 217–221
 York, United Kingdom, 221–223
 Human Rights Council (HRC), 215, 216–217
 Human Rights Report, 216
 human trafficking policies, 218–219
 humanitarian intervention
 introduction to, 29, 114
 language of international law, 33–37
 neutrality of, 153
 R2P and, 146
 staleness of, 44
 humanitarian law
 international humanitarian law, 65, 71, 77, 81–82, 85, 239
 prosecution of crimes, 19
 vocabulary of, 40
- ICTY Appeals Chamber, 32
 Ignatieff, Michael, 52, 207
 IHH of Turkey, 71
 illegal but legitimate, 34
 illegality, 71, 140, 229
 impunity gap in corruption, 18–19, 120–127
 Impunity Watch, 219

- indeterminacy, 18, 65, 86, 107, 108, 166, 171, 174, 182, 228
- individualisation, 32
- information technology (IT) in Hague Child Support Convention, 96–97
- institutionalisation, 118, 216
- intensity concept of politics, 24
- Inter-American Convention against Corruption (IACAC), 121
- inter-disciplinary engagement, 18
- Internally Displaced Persons (IDPs), 49
- international boundary disputes, 114
- International Campaign to End the Siege of Gaza*, 75
- international child abduction, 89
- International Commission on Intervention and State Sovereignty (ICISS), 146, 148–149
- International Committee to End the Siege in Gaza, 71
- International Council on Human Rights Policy, 224
- International Court of Justice (ICJ), 27, 113, 172
- International Criminal Court (ICC). *see also* globalisation of justice at ICC; Responsibility to Protect (RtoP) and ICC
- introduction to, 4, 9, 19, 27
- promise of global justice, 51
- response to mass atrocities, 240
- Rwandan war crimes proceedings, 29
- Ugandan conflict, 47, 48–50
- UNSC and, 149–151
- withdrawals from, 238
- international criminal justice, 14–15, 17, 29–33, 235
- international criminal law. *see also* language of international law; universal jurisdiction *in absentia*
- civic participation in, 5
- introduction to, 20
- processual nature of, 241
- trials, 36
- universal jurisdiction over, 173
- International Criminal Tribunal for the Former Yugoslavia (ICTY), 30
- international development interventions, 12
- International Development Law Organisation (IDLO), 7
- International Hague Network of Judges (IHNJ), 102
- international human rights, 19, 223–228, 239
- international humanitarian law (IHL), 65, 71, 77, 78–79, 81–82, 85, 239
- international justice, 16, 236–240
- international law. *see also* Hague Conventions; language of international law; politics of international law
- accountability for crimes, 155
- competing vocabularies of, 16
- grammar of, 167–171
- hegemonic technique in, 165
- individual in, 111–113
- international politics *vs.*, 22–23, 29
- language of, 17
- liberal law-making, 2, 4, 6, 8
- politics and, 185
- progress with, 117
- prominent critiques of, 18
- response to general critique of, 106–111
- structural bias in, 12–16
- translating into justice, 236–240
- violations of, 79
- International Network of Cities of Refuge (ICORN), 16, 22, 146, 213
- international politics, 146
- internationalisation of Juba Peace process, 56–57
- intrinsic nature of sovereignty, 26
- investment law, 40
- Irish Times*, 66, 76
- Israel. *see* Freedom Flotilla (FF) campaigns in Gaza
- iSupport, 96–97
- Joint Separate Opinion (JSO), 179–180, 181, 183
- Juba Peace process (2006–2008), 55–61

- judicial provisions in Hague Child Support Convention, 94–96
 jurisprudential guidance, 164
jus cogens status, 175, 216
 justice. *see* global justice; globalisation of justice at ICC
 juvenile offenders, separate housing, 196–197
- kafala* legal regime, 110
 King, Martin Luther, 65
 Kony, Joseph, 58
 Koskenniemi, Martti
 Arrest Warrant case, 173
 criminalising corruption, 119, 123, 126, 139
 duck-rabbit image, 26–29, 228, 233
 Freedom Flotilla (FF) campaigns in Gaza, 85
 human rights cities, 208–209, 223–224, 228, 232
 Lotus case, 168–169
 politics of international law, 240–241
 politics of re-description, 17, 21, 242–243
 Responsibility to Protect (RtoP) and ICC, 142
 UN Committee on the Rights of the Child, 184–185, 200
 universal jurisdiction *in absentia*, 163–164, 165, 171
 Kosovo crisis (1999), 33
- language of international law
 dominance of, 47
 duck-rabbit image, 26–29
 fragmentation and politics of re-description, 40–44
 human rights, 37–40
 humanitarian intervention, 33–37
 international criminal justice, 29–33
 introduction to, 17, 22–23
 Morgenthau vs. Lauterpacht, 23–26
 summary of, 44–45
 Lapidoth, Ruth, 82
 Lauterpacht, Hersch, 23–26
 League of Nations' security system, 37
- legal mobilisation, 4, 16, 233–236, 237, 240, 242–243
 legal re-description of military approach, 50–55
 legal-technical way, 34
 legal vocabularies, 2
lex ferenda, defined, 10
lex lata, defined, 10
 liberal cosmopolitan values, 19, 143–147
 liberal law-making, 2, 4, 6, 8
 Libya, 19, 33, 153–160
 Libyan civil conflict, 34
 life imprisonment for minors, 195
 Locke, John, 37–38
 Lord's Resistance Army (LRA), 47, 48–50, 55–56, 236
Lotus case, 168–169
- malleable nature of law, 13, 14
 Malta Process, 110
 Mandela, Nelson, 7, 237
 mass atrocities, 29, 143, 159, 160, 240
mato oput ceremony, 52, 54
 Matua, Makau, 15
 Mavi Marmara case, 86
mens rea, 29
 moral naturalism (normativity), 166, 175
 moral-political way, 34
 Moreno-Ocampo, Luis, 152
 Morgenthau, Hans, 23–26
 multilateral treaty obligations, 176
 multinational corporations (MNCs), 131, 235
 municipal governments, 3
 Museveni, Yoweri, 48, 51
- Nagel, Thomas, 8, 239
 National Human Rights Institute (NHRI), 219
 natural rights, 39
Nazi and Nazi Collaborators Act (1950), 178
 Nazi atrocities, 30
 neo-colonialism in Rwanda, 30
 Netherlands, 190, 195
 Netherlands Institute of Human Rights, 219
New York Times, 66, 75

- non-enforcement of international obligations, 238
- Non-Governmental Organisations (NGOs)
- articulation of social problems, 15
 - CRC lobbying of, 202, 204–205
 - human rights cities, 212
 - introduction to, 4
 - in Netherlands, 197
 - submitting information to treaty bodies, 186
 - traditional justice processes, 53
- normative compliance pull, 187–188
- normativity of law, 14, 126, 139, 166, 167–168, 170, 178, 235, 242
- obligations *erga omnes*, 16
- Office for the Coordination of Humanitarian Affairs (OCHA), 84
- open-ended treaty provisions, 185
- Operation Protective Edge, 87
- Organization of American States (OAS), 121
- Organization of Economic Co-operation and Development (OECD), 121
- Palestinian Authority, 70
- Palestinian Centre for Human Rights, 65
- Palmer Report, 80–81, 82, 83
- par in parem non habet* violation, 172
- peace, as legal concept, 25
- People's Decade on Human Rights Education (PDHRE), 212, 213, 215
- Pinochet, Augusto, 9
- Pinochet* judgments, 174, 177
- Pogge, Thomas, 6–7
- Policy Programme of Youth and Families, 194
- political open-endedness, 167–171
- Politics Among Nations* (Morgenthau), 24
- politics of international law
- corruption management, 127–128
 - of human rights cities, 228–231
 - intensity concept of, 24
 - international law and, 185
 - international politics, 16, 23, 26–29, 146
 - re-description to legal mobilisation, 233–236
 - transnational human rights mobilisation, 188–190
 - UN Committee on the Rights of the Child, 185
 - underlying message, 240–243
- politics of re-description
- defined, 46
 - duck-rabbit image, 26, 26–29, 228, 233, 241
 - introduction to, 17, 26, 28, 233, 241, 40f–44
 - to legal mobilisation, 233–236
 - overview of, 17, 21, 242–243
 - underlying message, 241
- poverty and legal empowerment, 7
- pro-poor orientation to rights, 6
- processual nature of law, 13
- prohibition of corporal punishment, 197–199
- prostitution policies, 218–219
- public international law, 180
- Racial Discrimination Convention (ICERD), 205
- re-description to legal mobilisation, 233–236
- realisation of justice, 16
- Realist framework of the Cold War, 146
- recognition of property claims, 38
- reductio ad absurdum*, 25
- Refugee Council, 219
- Responsibility to Protect (RtoP)
- debates on, 33
 - introduction to, 15, 18, 19
 - Libyan civil conflict, 34
 - Yugoslavian succession wars, 31
- Responsibility to Protect (RtoP) and ICC
- fight for legitimacy, 151–153
 - introduction to, 142–143
 - liberal cosmopolitan intentions and, 143–147
 - Libya case study, 153–160
 - summary of, 160–163

- UNSC and, 143, 147–153
- rhetorical presence, 153
- right-wing political groups, 3
- rigorous formalism, 167–171
- Rome Statute, 53, 62, 150, 156, 157
- Rowntree, Joseph, 227
- Rowntree Foundation, 222
- rule of law, 8–9
- Rwandan war crimes proceedings, 29

- San Remo Manual on International Law Applicable to Armed Conflicts at Sea (1994), 81, 82, 86
- Sassen, Saskia, 1
- Securities and Exchange Commission (SEC), 132–133
- Securities Exchange Act (1934), 132
- self-determination and identity, 168
- self-determination of social justice, 11
- separate housing for juvenile offenders, 196–197
- Serious Fraud Office (SFO), 128, 134, 136
- silencing, defined, 47–48
- social justice
 - broad-based coalitions to address, 242
 - campaigners of, 65
 - global justice and, 6–7, 11
 - initiatives geared towards, 214
 - international human rights law and, 210
 - legal instruments of, 13
 - political vocabulary, 228
 - struggles by NGOs, 208–209
 - systems of knowledge and, 43
 - third world social movements, 14
 - translating universal norms into, 184–185
 - UN approach to, 7
 - in York, UK, 222, 223, 226
 - socio-economic rights, 210
 - sovereignty, 23, 26–27
 - state-centric status quo of international politics, 146
 - state power and liberal law-making, 8
 - structural bias in international law, 12–16, 137, 141, 166, 223–224, 228, 234–235, 241, 243
 - supply-side economy, 131
 - supranationalised processes of criminal justice, 235
 - Sustainable Development Goals, 7
 - Syria, 33, 158

 - terrorism, 4, 31, 68, 222, 225
 - Third World Approaches to International Law (TWAAIL), 3
 - third world social movements, 14
 - The Times*, 66
 - trade law, 40, 41, 138
 - trafficking policies, 218–219
 - transboundary corruption, 4
 - transitional justice, 17, 58–61
 - transnational human rights mobilisation, 188–190
 - transnational mobilisation, 187, 199
 - Treaty of Utrecht, 219

 - Ugandan Amnesty Act (2000), 50, 51, 59, 60–61
 - Ugandan army (UPDF), 49
 - Ugandan conflict, 47, 48–50, 236. *see also* globalisation of justice at ICC
 - Ugandan Justice Law and Order Sector (JLOS), 58, 59
 - Ugandan War Crimes Court, 59
 - UK Bribery Act, 122
 - UN Committee on the Rights of the Child (CRC Committee)
 - abolishment of life imprisonment for minors, 195
 - as authoritative, 199–201
 - CRC exception explained, 199–206
 - domestic and transnational human rights, 188–190
 - establishment of Children's Ombudsman, 193–195, 204
 - home-coming of international recommendations, 186–187
 - introduction to, 184–186
 - legitimacy and compliance pull, 187–188
 - mobilisation of domestic actors, 201–206
 - prohibition of corporal punishment, 197–199

- UN Committee on the Rights (cont.)
 separate housing for juvenile offenders, 196–197
 summary of, 206–207, 239
- UN Convention on the Elimination of All Forms of Racial Discrimination (CERD), 213
- UN Convention on the Law of the Sea, 82
- undocumented migrants, 218, 226
- United Nations (UN), 77–83, 214
- United Nations Convention against Corruption (UNCAC), 122, 136–137
- United Nations Convention against Transnational Organized Crime (UNCTC), 122
- United Nations Convention on the Rights of Persons with Disabilities, 90, 209, 213
- United Nations Convention on the Rights of the Child (CRC), 20, 89, 98–99, 186
- United Nations General Assembly Declaration on the Elimination of Violence against Women, 101–102
- United Nations Human Rights Council (UNHRC), 69, 70, 79–80, 224
- United Nations Office of the High Commissioner for Human Rights, 57
- United Nations Security Council (UNSC), 12, 19, 27
 international buy-in, 56
 International Criminal Court and, 149–151
- Libya case study, 153–160
- Resolutions, 233–234
 response to mass atrocities, 240
 Responsibility to Protect and, 143, 148–149
 right to veto, 37
- Universal Declaration of Human Rights (UDHR), 216
- universal jurisdiction *in absentia*
Arrest Warrant case, 166, 171–182
 grammar of international law, 167–171
 introduction to, 5, 16, 163–166
 summary of, 182–183
- urban dwellers, 209
- US Department of Justice (DOJ), 133
- US Foreign Corrupt Practices Act, 122
- USA Today*, 66, 75
- Utrecht, Netherlands, as human rights city, 217–221
- War Crimes Court, 60
- Weber, Max, 39
- will-formation of large communities, 44
- Wolfsen, Aleid, 217–218, 220
- World Economic Forum, 11
- worldwide community of human beings, 144
- York, United Kingdom, as human rights city, 221–223
- York Human Rights City Project, 221, 223
- Yorkshire Region Awards, 226
- Youth Care Act, 195
- Yugoslavian succession wars, 31