TABLE OF CONTENTS

Preface – Morly Frishman and Sam Muller		V
The Hague Academic Coalition		IX
	fAbbreviations	XV
Introd	uction	1
	Frishman and Sam Muller	
-		1
1.	Constitutionalism in a Global Age	1
2.	Overview by Ramcharan	3
3.	International Law, Development and Conflict: Comparative	
	Perspectives on Cultures of Constitutionalism	4
4.	Constitutional Protection, the Internationalisation of Law and	_
_	Transnational Constitutional Principles	7
5	The Dynamics of Constitutionalism in the European Union (EU)	9
6.	Constitutionalism in Public International Law	11
7.	Concluding Remarks	13
	itutionalism in an Age of Globalisation and Global Threats and G. Ramcharan	15
		1.5
1.	Introduction	15
2.	Globalisation, Human Rights and Human Dignity	16
3.	The Concept of Constitutionalism	18
4.	The Principle of Democratic Legitimacy	19
5.	Constitutionalism in an Age of Globalisation	24
5.1	National Constitutionalism	25
5.2	Regional Constitutionalism	25
5.3	International Constitutionalism	25
6.	The Relationship between International Legal Obligations and	
	Domestic Law: From Dualism, Monism and Coordination to	
	Responsibility	26
7.	The Basis of Obligation in International Law	27

8.	The Law of State Responsibility	30
9.	Obligations under the UN Charter	30
10.	International Norms of Jus Cogens	32
11.	Norms of International Customary Law	34
12.	Mandatory Decisions of the UN Security Council	35
13.	Obligations under International Human Rights Conventions	40
14.	The Doctrine of the Responsibility to Prevent and to Protect	46
15.	Conclusion	46
Cultı	ares of Constitutionalism: An Introduction	49
Kari	n Arts and Jeff Handmaker	
1.	Overview	49
2.	Significant Events of 1948	51
3.	Constitutionalism and Legal Pluralism	54
Soul	of a Nation? The Inception, Interpretation and Influence of	
	h Africa's 1996 Constitution	57
Barb	ara Oomen	
1.	Introduction	57
2.	The Inception of South Africa's 1996 Constitution	60
3.	Interpretation: The Role of the Constitutional Court	65
4.	The Influence of South Africa's 1996 Constitution	68
5.	Conclusion	70
Post-	Conflict Constitutional Settlement in Nepal and the Role of the	
	ed Nations	71
Sury	a P. Subedi	
1.	Introduction	71
2.	The Current Context: Historical Change	72
3.	Historical and Current Political Scenarios	73
4.	The Role of the Judiciary	77
5.	The Peace Agreement	78
6.	Drawbacks of the Interim Constitution	79
7.	The Election of an Inclusive Constituent Assembly	80
8.	The Role of the United Nations	81

9.	A Unique Peace Process	82
10.	The United Nations Could Have Been Bolder	84
11.	Conclusion	86
Do C	Constitutions Make a Difference as regards the Protection of	
Fund	lamental Human Rights? Comparing the United States and Israel	89
	n Akram	
1.	Introduction	89
2.	The Constitutional Framework of the US	90
3.	The Non-Constitutional Framework of Israel	99
4.	Conclusion	108
The	Impact of Internationalisation on Constitutional Law: Some	
Refle	ections	111
Phili	ipp Kiiver	
1.	Introduction	111
2.	Constitutional v. International Law	112
3.	Institutional and Competence Standards	113
4.	Democracy and Accountability Standards	116
5.	Individual Rights Protection	117
6.	Outlook	120
Fit fo	or All Practical Purposes? Constitutionalism as a Legitimising	
Strat	egy for the European Union	125
Ton	van den Brink	
1.	Introduction	125
2.	Constitutionalism and Public Perceptions	126
3.	The EU Constitution as a Constitutional Moment in the	
	History of the European Union	127
4.	Constitutionalism as a State-Centred Legitimising Strategy	128
5.	Academic Evolution in EU Constitutionalism	131
6.	New Challenges for EU Constitutionalism	135
7.	Interplay between National and EU Constitutionalism	137
8.	Conclusion	142

to th	y Legal Scholarship Must Not Leave EU Constitutional Practice ne Social Sciences – Some Reflections <i>Eijsbouts</i>	145
1.	Why Constitutional Practice is not of Secondary Importance	145
2.	Why Practice or Convention is Problematic yet Essential in	1.40
•	the Case of an International Organisation	148
3.	Why Legal Scholarship is Wrong to Leave Practice to Others	151
Pere	emptory Norms as an Aspect of Constitutionalisation in the	
Inter	rnational Legal System	153
Alex	ander Orakhelashvili	
1.	Introduction	153
2.	Theoretical Perspectives on Jus Cogens: Some Recent Views	154
3.	Non-derogability of Jus Cogens	158
4.	The Content of Jus Cogens	160
5.	Jus Cogens Before National Courts: Universal Jurisdiction	
	and State Immunity	165
6.	The Proper Constitutional Significance of Jus Cogens:	
	Primacy over UN Security Council Resolutions	171
7.	Conclusion	179
Bibl	Bibliography	
	Table of Cases	
Tab	Table of Conventions	
Inde	Index	