

CONTENTS

Preface	
Rein Jan Hoekstra	v
Introduction	
Anne-Marie Slaughter and Nico J. Schrijver	XIII
Editor's Note	XV

OPENING SESSION

Welcoming Address	
Address by Theo van Boven	3
Opening of the Conference	
Address by Piet Hein Donner, Minister of Justice of the Kingdom of the Netherlands	7
International Organizations as Law-Makers	
Address by José Alvarez	11
The Role of Non-State Actors and International Dispute Settlement	
Address by Peter H. Kooijmans, Judge of the International Court of Justice....	21

INTERNATIONAL ORGANIZATIONS – GOVERNMENTAL AND NON-GOVERNMENTAL – AND GOOD GOVERNANCE

International Organizations as Autonomous Subjects in the International and European Legal System		31
Chairs: Niels Blokker and Ramses Wessel		
Contributions by:		
Nigel D. White		31
Pieter-Jan Kuijper		39
Charles N. Brower		44
Rolf Einar Fife		51
Discussion		55

Accountability and Control of International Governmental Organizations – Principles and Procedures of “Good Governance”	60
Chair: Anne-Marie Slaughter	
Contributions by:	
Bimal N. Patel	60
Charlotte Ku	66
Daniel D. Bradlow	73
Laurence Boisson de Chazournes	76
Alfred E. Kellermann	83
Discussion	93
Legitimacy, Recognition, Democratic Control, Transparency and Accountability of Non-Governmental Organizations	95
Chair: Deirdre M. Curtin	
Contributions by:	
Siegfried Wiessner	95
Stephan Hobe	101
Peter J. Spiro	108
Math Noortmann	113
Discussion	120
Review of Application of Principles of Good Governance by International Organizations in Practice	123
Chair: Theodor Meron	
Contributions by:	
Theodor Meron	123
John King Gamble and Amanda Grolemond	124
Rick Lawson	130
Philippe Lortie	134
Christa Meindersma	145
Hans Thoolen	154
Ralph Wilde	164
Discussion	170
MULTINATIONAL BUSINESS AND CORPORATE GOVERNANCE – PUBLIC AND PRIVATE INTERNATIONAL LAW	
Corporate Governance – The Role of Internal or External Codes of Conduct	175
Chair: René van Rooij	
Contributions by:	
Lucy F. Reed and Hannah R. Garry	176
Willem van Genugten	187
Michel Nussbaumer	194
Jaap Winter	197
Discussion	200

Corporate Responsibility for Human Rights and Environmental Damage – Issues of Transnational Litigation Including International Jurisdiction 202

Chair: Georg Berrisch

Contributions by:

 Malgosia Fitzmaurice 202

 Pieter H.F. Bekker 209

 Harold H. Koh 216

 André Nollkaemper 224

 Andrew Clapham 227

 Michael K. Addo 238

Discussion 239

Using Treaty Cooperation to Improve Capital Flows: The Hague Conference Convention on Securitization 244

Chair: Christophe Bernasconi

Contributions by:

 Sir Roy Goode 244

 Joyce Hansen 249

Discussion 257

Dinner Speech 258

Address by Judge Thomas Buergenthal, Judge of the International Court of Justice

RESPONDING TO INTERNATIONAL TERRORISM

Challenge of International Terrorism to the International Security System – Designing Responses Within the UN Charter and Treaty Frameworks for Regional Security 265

Chair: Jan Wouters

Contributions by:

 Michael Byers 265

 Vera Gowlland-Debbas 273

 Marcelo G. Kohen 288

 Mary Ellen O’Connell 294

Discussion 297

Concerted Actions to Combat Terrorism and the International Financial and Economic Legal System 301

Chair: August Reinisch

Contributions by:

 Axel Marschik 301

 Albert Straver 310

 Himamauli Das 317

 Willy Bruggeman 322

 Marcel M.T.A. Brus 328

Discussion 334

International Terrorism and International and European Criminal Law	339
Chair: Harry H.G. Post	
Contributions by:	
Andrea Gioia	339
Leila Nadya Sadat	348
William J. Fenrick	354
Jordan J. Paust	360
Christopher C. Joyner	369
Monica den Boer	379
Discussion	387

SUMMING-UP: A CONCLUDING DEBATE

The Structure of the International and European Legal System and its Values	391
Chair: Dorinda Dallmeyer and Ige F. Dekker	
Contributions by:	
Sean D. Murphy	391
Theo Raaijmakers	395
Anne-Marie Slaughter	407
Discussion	417
Closing of the Conference	
Address by Judge Shi Jiuyong	425

APPENDIX

Round Table Utrecht 1-3 July 2003
 ‘GOVERNANCE AND INTERNATIONAL LEGAL THEORY’

Chair: Wouter G. Werner

Introduction	433
Capitulations of Political Governance in the WTO: An Alternative Narrative of International Judicialization	
<i>Tomer Broude</i>	435
John Rawls on Constitutionalism and the Charter of Fundamental Rights of the European Union	
<i>Paul de Hert</i>	443
Globalization and Global Governance: A Conceptual Analysis	
<i>Roland Pierik</i>	454
Anything New under the Sun? The Political Struggle behind the Legal Debate on International Terrorism	
<i>Jörg Friedrichs and Raphael Muturi</i>	463

Irrational Governance: The Use of Force <i>Nicholas Tsagourias</i>	472
The World Summit on Sustainable Development: Turning Point in Global Governance <i>Joyeeta Gupta and Nicolien van der Grijp</i>	479
Binding Decisions of International Organizations and their Legitimacy: No Love at First Sight? <i>Nikolaos Lavranos</i>	490
Best Practices Concerning Corporate Governance – Codes of Conduct: An Alternative Instrument for National Legislation and International Treaties? <i>Herman Voogsgeerd</i>	494
Tracing the Sources of Non-State Actor Regulation: The Setting of Global Technical Standards in Cyberspace as an Example <i>J.P. Mifsud Bonnici and C.N.J. de Vey Mestdagb</i>	503
Programm Committee and Officers	517
List of Abbreviations	519
Index of Names	527
Subject Index	529