Annex I: Project publications in line with the DoW

1. The Normative Track
(a) The historical part

- 16(2) THEORETICAL INQUIRIES IN LAW (2015), Sovereignty as Trusteeship for Humanity -- Historical Antecedents and Their Impact on International Law:
  - Michel Troper, Sovereignty and Natural Law in the Legal Discourse of the Ancien Régime
  - David Dyzenhaus, Kelsen, Heller and Schmitt: Paradigms of Sovereignty Thought
  - Sergio Dellevalle, On Sovereignty, Legitimacy, and Solidarity, Or: How Can a Solidaristic Idea of Legitimate Sovereignty Be Justified
  - Lorenzo Zucca, A Geneology of State Sovereignty
  - Benjamin Straumann, Early Modern Sovereignty and Its Limits
  - Andrew Fitzmaurice, Sovereign Trusteeship and Empire
  - Evan J. Criddle, Three Grotian Theories of Humanitarian Intervention
  - Evan Fox-Decent & Ian Dahlman, Sovereignty as Trusteeship and Indigenous Peoples
  - Eyal Benvenisti, The Paradoxes of Sovereigns as Trustees of Humanity: Concluding Remarks
- Eyal Benvenisti, Occupation and Territorial Administration, WPS 2015-11, in ROUTLEDGE HANDBOOK OF THE LAW OF ARMED CONFLICT 432 (Rain Liivoja & Timothy Maccormack eds., 2016)

(b) The theoretical part
(i) Property law theory

- 18(2) THEORETICAL INQUIRIES IN LAW (2017), Sovereignty and Property:
  - Arthur Ripstein, Property and Sovereignty: How to Tell the Difference?
  - Sergio Dellavalle, The Dialectics of Sovereignty and Property
  - Larissa Katz, Property’s Sovereignty
  - Laura S. Underkuffler, Property, Sovereignty, and the Public Trust
  - Martti Koskenniemi, Sovereignty, Property and Empire: Early Modern English Contexts
  - Hanoch Dagan & Avihay Dorfman, The Human Right to Private Property
  - Thomas W. Merrill, Property and Sovereignty, Information and Audience
  - Eyal Benvenisti, Sovereignty and the Politics of Property
  - Jeremy Waldron, Exclusion: Property Analogies in the Immigration Debate
  - Katharina Pistor, From Territorial to Monetary Sovereignty
  - Jean L. Cohen, Sovereignty, the Corporate Religious, and Jurisdictional/Political Pluralism

(ii) Theory of democracy

• Doreen Lustig & Eyal Benvenisti, *The Multinational Corporation as “the Good Despot”: The Democratic Costs of Privatization in Global Settings*, WPS 2013-01, 15 THEORETICAL INQUIRIES IN LAW 125 (2014)
• Eyal Benvenisti, *Sovereignty and the Politics of Property*, 18 THEORETICAL INQUIRIES IN LAW (2017)
• Eyal Benvenisti, *Legislating for Humanity*, WPS 2013
• Eyal Benvenisti, *Ensuring Access to Information: International Law’s Contribution to Global Justice*, WPS 2017-09
• Samantha Besson, *Community Interests in International Law: Whose Interests Are They and How Should We Best Identify Them?*, in COMMUNITY INTERESTS ACROSS INTERNATIONAL LAW (Eyal Benvenisti & Georg Nolte eds., forthcoming 2018)
• Lorenzo Casini, *Cultural Sites Between Nationhood and Mankind*, in COMMUNITY INTERESTS ACROSS INTERNATIONAL LAW (Eyal Benvenisti & Georg Nolte eds., forthcoming 2018)

(iii) *The theory of human rights*

• Eyal Benvenisti, *Ensuring Access to Information: International Law’s Contribution to Global Justice*, WPS 2017-09
• Samantha Besson, *Community Interests in International Law: Whose Interests Are They and How Should We Best Identify Them?*, in COMMUNITY INTERESTS ACROSS INTERNATIONAL LAW (Eyal Benvenisti & Georg Nolte eds., forthcoming 2018)
• Tomer Shadmy, *The Rise of Human Rights Responsibilities R2P and CSR – Different Forms of the Same New Dialect*, WPS 2016-06

(c) *The empirical part*. The first four areas relate to norms that regulate sovereign activities in the international plane. The publications examined the “standards of review” adopted by the different tribunals in the diverse contexts in light, inter alia, of the perceived need (stated or not) to uphold the other-regarding obligations of the reviewed institutions:

(i) *Transboundary resources*

• Rüdiger Wolfrum, *Identifying Community Interests in International Law: Common Spaces and Beyond*, in COMMUNITY INTERESTS ACROSS INTERNATIONAL LAW (Eyal Benvenisti & Georg Nolte eds., forthcoming 2018)
• Surabhi Ranganathan, *The Law of the Sea and Natural Resources*, in COMMUNITY INTERESTS ACROSS INTERNATIONAL LAW (Eyal Benvenisti & Georg Nolte eds., forthcoming 2018)

(ii) *International Economic Law*


(iii) *Human Rights Law*


Ralph Wilde, Socioeconomic Rights, Extraterritorially, in COMMUNITY INTERESTS ACROSS INTERNATIONAL LAW (Eyal Benvenisti & Georg Nolte eds., forthcoming 2018)


(iv) International Humanitarian Law.

- Enzo Cannizarro, *Common Interests of Humankind and the International Regulation of the Use of Force*, in *COMMUNITY INTERESTS ACROSS INTERNATIONAL LAW* (Eyal Benvenisti & Georg Nolte eds., forthcoming 2018)

2. The Institutional Track

This track explained the logic that leads legal institutions such as international tribunals, national courts and other local and global agencies to exercise effective review of sovereigns’ policy-making, through an examination of the motivations and constraints that these reviewing bodies have with respect to reviewing national decision-making, and assessed the extent to which such bodies can legitimately impose limits on sovereigns’ discretion.

The corresponding two parts of this track are:

(a) A study of contemporary global review “technologies”

- Eyal Benvenisti, *The Law of Global Governance*, 268 RECUEIL DES COURS:
  - Eyal Benvenisti, *The Emergence of Global Governance and the Corresponding Need to Regulate it*, WPS 2014-03
3. The Implementation Track: In Pursuit of Normative and Institutional Responses to Intensifying Global Risks

The track addressed specifically the obligations that arise in an era of intensifying risks due to the proliferation of new technologies (e.g. nuclear energy production) and the destabilizing consequences of climate change. Research in this track examined specific areas of law and inquired how they should accommodate sovereigns’ other-regarding obligations in adapting to an era of intensifying global risks. In particular this track addressed four dimensions:

(a) International Human Rights Law

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- Eyal Benvenisti, *The Potential and Limits of Global Regulation of Sovereign Discretion*, WPS 2014-06
- Steve Fikhman, *State Courts as Trustees of Humanity: Towards a New Approach to Universal Jurisdiction*, WPS 2017-03

(b) A study of the justifications of judicial review of sovereign discretion

- Eyal Benvenisti, *The Potential and Limits of Global Regulation of Sovereign Discretion*, WPS 2014-06
- Sergio Dellavalle, *Addressing Diversity in Post-Unitary Theories of Order*, WPS 2015-05
- SHAI DOTHAN, *REPUTATION AND JUDICIAL TACTICS* (Cambridge University Press, 2014)


(b) *International Environmental Law*


(c) *International Trade Law*


(d) *International Foreign Investment and Energy Law*


(e) **The International Law of Peace-making** (an additional aspect that was addressed)

- Michal Saliternik, *Expanding the Boundaries of Boundary Dispute Settlement: International Law and Critical Geography at the Crossroads*, WPS 2016-02