## **Contents**

## Introduction

Thomas Giegerich	
Prevention and Containment of War – Two Fateful Missions Unaccomplished	11
Jost Delbrück	
Walther Schücking's Contribution to the International Rule of Law	53
Stephen C. Neff	
The Hague Peace Conferences and a Century of Further Struggles	59
Non-Proliferation and Disarmament	
Ian Anthony	
We pons of Mass Destruction: Reduction of Stockpiles and Non-Proliferation	89
Heike Krieger	
Disarmament Obligations of and Assurances of Non-Use by Nuclear Weapons	107
States	107
Christian Schaller	
Keeping Weapons of Mass Destruction from Terrorists – An International Law Perspective	121
Knut Dörmann	
Conventional Disarmament – Nothing New on the Geneva Front?	143
Christiane Höhn	
International Humanitarian Law in the European Union's Common Foreign and	
Security Policy, in Particular the EU Code of Conduct on Arms Exports	167

8 Contents

## The Ups and Downs of International Humanitarian Law

Sean D. Murphy Protean Jus ad Bellum	183
Christine Gray	
The International Community's "Responsibility to Protect" Populations from	
War Crimes and Other International Crimes	217
Kirsten Schmalenbach	
Preventing and Rebuilding Failed States	231
Dagmar Richter	
Humanitarian Law and Human Rights: Intersecting Circles or Separate	
Spheres?	257
Rainer Hofmann	
Can Victims of Human Rights Violations Claim Damages?	323
Ralph Wilde	
From Trusteeship to Self-Determination and Back Again: The Role of the	
Hague Regulations in the Evolution of International Trusteeship, and the	
Framework of Rights and Duties of Occupying Powers	333
Eyal Benvenisti	
The Law on the Unilateral Termination of Occupation	371
Gregory H. Fox	
A Return to Trusteeship? A Comment on International Territorial	
Administration	383
Robert Heinsch	
The International Committee of the Red Cross and the Challenges of Today's	
Armed Conflicts	393
Walter Kälin	
The ICRC's Compilation of the Customary Rules of Humanitarian Law	417
Hans-Joachim Heintze	
Terrorism and Asymmetric Conflicts – A Role for the Martens Clause?	429

Contents 9

## Dispute Settlement by International Courts or Arbitral Tribunals

Karin Oellers-Frahm  Nowhere to Go? – The Obligation to Settle Disputes Peacefully in the Absence of Compulsory Jurisdiction	435
Bruno Simma	
How Has Article 36 (2) of the ICJ Statute Fared?	455
Christian J. Tams	
The Continued Relevance of Compromissory Clauses as a Source of ICJ Jurisdiction	461
Frank Hoffmeister	
The Aegean Conflict - An Unsettled Dispute in Turkey's EU Accession Course	493
Oliver Dörr	
The European Court of Justice Getting in the Way: The Abortive MOX Plant	
Arbitration	503
Panel Discussion: Has International Law Civilized Conflicts since 1907?	
Remarks by Christine Chinkin, Christian Tomuschat and Natalino Ronzitti	509
List of Contributors	E01
List of Contributors	321