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## Conclusion: From Rule of Law Promotion to Rule of Law Dynamics

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## Conclusion

From Rule of Law Promotion to Rule of Law Dynamics

Randall Peerenboom, Michael Zürn, and André Nollkaemper

Rule of law promotion is a dynamic field. There have been significant changes over time in content, strategies, programming, and funding priorities of rule of law promoters (Jensen 2003; Hammergren and Gillespie, this volume). The original law and development movement in the 1960s and 1970s believed the key to be legal education and an instrumental use of law to pursue social change. In the 1980s, the emphasis was on legislative reform and the passage or revision of laws based on foreign models. When that failed to produce the desired results, the attention shifted to institutions under the banner of rule of law and good governance. In practice, rule of law was used interchangeably with legal reform, which in many cases meant judicial reform and the need to establish an independent judiciary. When that approach also came up short, the scope of reform was expanded politically to include democracy, civil and political rights, freedom as an end of development, a robust civil society, increased political participation, and now the new governance of the postregulatory state with its emphasis on private actors and public–private hybrids.

From the perspective of rule of law promotion, these changes are mainly due to frustrated expectations on the side of rule of law promoters and behavioral adaptations in response to obstacles and poor results. In contrast, rule of law diffusion and rule of law conversion provide alternative perspectives that highlight different sources and causes of rule of law dynamics. From these alternative perspectives, rule of law dynamics are at least due to social processes initiated but not foreseen by rule of law promoters and by the reading of and the responses to rule of law in the recipient countries.

When we consider rule of law dynamics from the perspective of diffusion, it can be observed that the rule of law has been disseminated over different levels of government and into new areas, which cannot be explained or captured by processes of rule of law promotion. In particular, there is a growing normative expectation that states will comply with basic rule of law principles. Although compliance with basic

rule of law principles is not (yet) a requirement for recognition of states, there seems to be an emerging standard of rule of law in international law, as evidenced by the growing demands to extend the rule of law concept to the transnational and international sphere. International organizations (IOs) involved in the rule of law promotion, exerting pressure on target countries, are themselves increasingly the target of rule of law promotion. Even transnational regulatory institutions are sometimes judged against the criteria of the rule of law.

Also, the outcome of rule of law promotion can only be understood in relation to local responses. Even the most perfect rule of law promotion strategy will lead to a conversion of the original concept when it meets local actors and practices.

To better understand the dynamics of rule of law development, more attention must be paid to the interaction between rule of law promotion, rule of law diffusion, and rule of law conversion. In so doing, we come back to the questions raised in the Introduction to this book. Have the major actors in the rule of law field, including the “great powers” and IOs, altered their strategies, programs, and practices to reflect the shift to new levels and new forms of governance? Do rule of standards apply to new international and transnational forms of regulation? Should they be modified to fit the different context? Can the interactions between national and international levels be structured so that they do not become a new source of rule of law violation? Does international law provide a clear and acceptable set of standards that can form a common baseline for rule of law promotion both in states and for new forms of governance? Finally, how does rule of law promotion, whether or not based on standards of international law, cope with the wide variety of forms of resistance from the targets of rule of law promotion? In this concluding chapter, we address these issues, taking up in turn rule of law promotion, diffusion, and conversion, and summarizing for each the main developments, their causes, and key issues for further research.

## 1. THE DYNAMICS OF RULE OF LAW PROMOTION DEVELOPMENTS

Notwithstanding the aforementioned significant changes over time, rule of law promotion efforts continue to share certain dominant features and strategies. For most Western state powers and the more influential international development agencies, rule of law promotion is generally seen as part of a broader strategy that emphasizes democracy, good governance, and the independence of the judicial system. Most of the major state powers have chosen a mixed approach that combines socialization (persuasion) with positive and negative conditionalities and in some cases coercion (imposition through military means; see Schimmelfennig, this volume). IOs and transnational nongovernmental organizations (NGOs) rely on similar approaches for promoting rule of law, albeit with less use of coercion (see Heupel, this volume).

While there are successes to be reported, for instance in the area of human trafficking (Lloyd, Simmons, and Stewart, this volume), the failures and problems of

rule of law promotion are too striking to be ignored. Most importantly, the significant efforts put into rule of law promotion have produced on the aggregate level mild improvements at best (Merkel, this volume). New developments in response to the poor results are to be expected, including attempts to differentiate the addressees of rule of law promotion, an extension of the scope of actors involved in rule of law promotion activities, and growing awareness of legitimacy issues. Other major developments include the following.

First, while Northern European countries remain committed to democracy promotion, there seems to be a downgrading of it at least in the United States (Carothers 2009a). Increasingly, a significant number of rule of law promoters and rule of law recipients seem to think in terms of a developmental model in which rule of law precedes democracy. In this view, rule of law promotion is a necessary condition for democracy. Also international law, which now poses certain demands on how states provide for a domestic rule of law, falls short of requiring democracy (Aust and Nolte, this volume).

It remains to be seen whether the Arab Spring in the Middle East and North Africa will provide a new boost to democracy promotion, much as the fall of the Berlin Wall in 1989 stimulated democracy promotion throughout the 1990s. Although the international community on the whole celebrated the fall of authoritarian regimes, many commentators cautioned that overturning dictators was only the first step on a long and arduous path toward a functional democracy. Moreover, Europe and America are focused on overcoming the economic crisis and are increasingly preoccupied by the challenges resulting from the rise of China and other emerging countries. They may lack the political will, and the financial and human resources, to support another major democratization effort in the Middle East and North Africa.

Second, rule of law promotion has often been criticized for reliance on one-size-fits-all solutions that failed to distinguish between postconflict situations and different stages of development. Linn Hammergren's analysis of the World Bank's evolving strategies for middle-income countries (MICs) is a response to that. The definition of MICs (i.e., countries with per capita income from \$900 to \$12,000) still contains huge socioeconomic differences and will require further disaggregation. Nevertheless, a first step has been taken in developing more refined categories that may lead to the design of more tailored and hence effective promotion strategies and reform packages.

Third, the scope of rule of law promotion has expanded to include military cooperation with civilian organizations in a range of activities to establish legal institutions and the rule of law (Röder, this volume). Although the shortcomings of these efforts are substantial and the results less than satisfactory, they point to a broadened understanding of rule of law promotion.

Fourth, the idea of rule of law promotion does not really work for the rule of law at the international level. Because the rule of law at the international level concerns the

international community as a whole, there is no obvious distinction between actors who engage in rule of law promotion and recipients of such attempts. For this reason, the development of the rule of law at the international level is better captured by the perspective of diffusion (see subsequent text). However, in a more narrow sense, we can identify a distinct effort of rule of law promotion at the international level within international institutions, notably the United Nations (UN). Such organizations bring a degree of centralization into the otherwise horizontal system of international law. Their institutional context allows for a “vertical dynamic” in which the rule of law can function. Furthermore, because UN membership captures the entire international community, rule of law policies of the UN are the best approximation for rule of law promotion at the international level. For example, the UN Secretary-General stated that “the United Nations must work towards the universal application at the international level of the Organisation’s definition of the principle of the rule of law.”<sup>1</sup>

Indeed, rule of law promotion efforts of international organizations are now not limited to attempts to improve the rule of law within states (Aust and Nolte, this volume); they are directed to international organizations themselves (Genkow and Zürn, this volume). Such organizations (most notably the UN) have recognized that they should meet the standards that they prescribe for others, if only because the failure to do so undermines the credibility of their external rule of law policies. This has also been shown to undermine the willingness of norm addressees to accept the prescriptions and ambitions of the UN.

Finally, rule of law promoters show a growing awareness of resistance on the receiving side. Any reform produces winners and losers. National and international donors, however, are not well positioned to address these types of local political contests, in some cases because of limited mandates, in other cases because of a lack of local knowledge (see Hammergren and Heupel, this volume).

### 1.1. *Causes*

In general, the most significant changes in rule of law promotion activities are driven by *perceived problems*, with necessity once again serving as the mother of invention. For instance, civil–military cooperation is the offspring of the military invasion of Afghanistan and Iraq. The downgrading of democracy reflects reform fatigue and disappointment over the enormous human and financial costs of the wars in Afghanistan and Iraq as well as the poor performance of many third-wave democracies and the limitations of democracy promotion (Carothers 2004; Diamond 2008). The recent interest in MICs reflects the fact that today most countries are MICs, which for the World Bank means a very different market for traditional loan

<sup>1</sup> Second Annual Report of the Secretary-General on Strengthening and Coordinating United Nations Rule of Law Activities, 20 August 2010, UN Doc. A/65/318: para. 9

activities as well as a different environment for technical assistance programs. Having focused primarily on low-income countries, often with poor results, donor agencies and academics alike are attracted to the challenges and opportunities presented by MICs. The decision of the UN to address rule of law problems within the organization is a direct result of resistance by states to conform to UN rule of law ideals if the UN itself did not obey such principles.

Although prior failures are often the source of change, the causes of the failures are often deeper and the obstacles to rule of law promotion more fundamental than the modification of policies indicate. These obstacles can be broadly classified as lack of knowledge, market forces, and institutional incentives and culture.

Thomas Carothers (2006a) and other industry actors have highlighted *lack of knowledge* as one of the main reasons for the poor results of rule of law promotion. One aspect of this lack of knowledge refers to different notions about what the rule of law is, and what should be promoted. The concept of rule of law remains unclear and contested. Rule of law serves many masters, and rule of law promotion is aimed at achieving many goals from the more technical enhancing of judicial efficiency and higher levels of professionalism to broader political goals such as economic growth, democratization, human rights, and geopolitical security (see Schimmelfennig, this volume). The relationship between these goals remains unclear; for instance, the relationship of rule of law to economic growth, the consolidation of democracy, and the protection of human rights is still being sorted out (Collier 2009; Peerenboom 2005).

The multiplicity of conceptions, goals, and strategies may lead to conflicting policies and different emphases in different contexts (Kleinfeld 2006). IOs or NGOs generally do not attempt to coordinate their programs with others (Heupel, this volume). The result is that different actors are often working at cross purposes or duplicating efforts. At the very least, given limited resources, the prioritizing of certain goals may hinder progress in realizing other goals. Overloaded governments cannot do everything at once, and yet little is known about the proper sequencing of reforms, which is highly dependent on context.

Our findings support these insights and the importance of improved coordination, but they do not identify this as the most important reason for the poor results to date.

The *lack of knowledge about the recipient countries and appropriate means to exert influence* seems to be more important than different concepts of rule of law. Along this line, many critics correctly attribute the poor results to the emphasis on top-down reforms, the focus on building state institutions, and the mismatch between the attempt to transplant laws and institutions appropriate for economically advanced liberal democracies to radically different contexts. In this view, a greater role for civil society and the private sector is advocated (Channell 2006), with more attention to bottom-up approaches that focus on the immediate needs of citizens for justice, poverty alleviation, legal empowerment, and “rights-based” development

(Banik 2009; Golub 2006; Stephens 2009).<sup>2</sup> Numerous critics have thus pointed out that international actors need to have a better understanding of the legal, political, and economic history of the recipient country (Taylor 2009). The limited and, to some extent, even perverse effect of the International Criminal Court's efforts to strengthen the rule of law in Uganda is largely attributed to a failure to adapt to the local context (Nouwen, this volume).

The chapters in this volume highlight the *lack of legitimacy* as another major reason for the limited success of rule of law promotion. The lack of knowledge about the recipient countries contributes to this legitimacy deficit. Many rule of law promoters are seen as remote external forces pressing societies to change their culture without a deeper understanding of it (Nouwen, this volume). To remedy this, international advisors must work more effectively with local actors, which requires that they have better linguistic skills and greater cultural sensitivity. They also need to tailor their proposals to local circumstances and ensure that reforms meet the needs of local constituencies.

Moreover, rule of law promoters are often seen as acting in their own interest. NGOs and experts, dependent on outside funding or consulting contracts, treat the knowledge gained from projects as trade secrets and are constantly on the lookout for the next "big thing." To secure projects, they promise more than they deliver and they ignore cautionary lessons learned from the past. As with any business concerned with efficiency and economies of scale, they tend to rely on standard prescriptions and reform packages rather than developing programs tailored to the specific context. All of the main parties involved in the project – the donor agency, the subcontracting NGO or expert consultants, the leaders in the recipient country – have an incentive to assess the project in positive terms. As Linn Hammergren wryly remarks in her chapter, the World Bank's internal assessment process concluded that, like the children of the fictional Lake Woebegon, all projects were "above average."

At the same time, national interests still play a role. Not surprisingly, the countries most affected by human trafficking were the biggest supporters of its criminalization (see Lloyd et al., this volume). Major powers promote rule of law not only for altruistic reasons, but out of self-interested concerns for geographical stability or in the belief that rule of law reforms are related to market reforms that will provide new consumers for their products or will provide greater access and a more level playing field for their country's companies. As Schimmelfennig (this volume) notes, major powers have attempted to export their own institutions, practices, and models, not only or necessarily in the belief that these are the best solutions for the target country's problems, but because doing so is in the best interests of important constituencies in the promoting state. Rule of law funding priorities also reflect domestic political

<sup>2</sup> See also Commission on Legal Empowerment of the Poor, *Making the Law Work for Everyone*. Volume 1. Commission on Legal Empowerment of the Poor and UNDP, 2008.

concerns, rather than being rational policies developed on a basis of what works: “As a consequence, rule of law promotion policies may vary with the different economic and strategic objectives of foreign policy actors” (Schimmelfennig, this volume).

The failure of international actors themselves to abide by rule of law principles arguably is the most important source of the legitimacy deficit of rule of law promotion efforts. In some cases, the lack of legitimacy results from the nature of the intervention, as when the North Atlantic Treaty Organization intervened in Kosovo and Iraq without UN approval and a clear mandate under international law. In these cases, the feeling is that like cases are not treated alike. In other cases, it results from how rule of law promotion is carried out. All too often there is inadequate consultation with local leaders and citizens, with citizens most concerned about public administration, poor governance, procedural violations, and the inability to resolve civil disputes while the military emphasizes security and the three Cs: courts, cops, and corrections. In still other cases, the emphasis of international actors on formal institutions undermines local institutions, and laws modeled on Euro-American precedents conflict with local norms and values (Nouwen, this volume).

Although there appears to be a trend toward less coercive modes of transmission, conditionalities and imposition of reforms through force continue to play a prominent role in many contexts (see Heupel, this volume). The incorporation of rule of law principles in international law, although still in its early stages, may have a positive impact in encouraging reforms in domestic legal systems, but it may also legitimate more coercive approaches, including military intervention aimed at regime change, just as the growing body of human rights law has legitimated military intervention in the name of humanitarian intervention (as long as it is approved by the UN Security Council).

### 1.2. *Future Areas of Research*

The rule of law promotion industry faces many challenges, with many areas in need of further research.

First, recent years have seen the development of a burgeoning literature on issues related to the measurement of rule of law, and the proliferation of new indices in response to claims that existing indices were conceptually or technically flawed (see Merkel, this volume).<sup>3</sup> Unlike many previous indices that included rule of law indicators as part of broader measures of democracy, good governance, political stability, or the business environment, the recently developed index of the World Justice Project (<http://www.worldjusticeproject.org/>) is solely dedicated to the rule of law, whereas the American Bar Association has developed even more specialized indices such as the Judicial Reform Index, Legal Profession

<sup>3</sup> *The Hague Journal on Rule of Law* has devoted a special issue to the measurement of rule of law.



Reform Index, Prosecutorial Reform Index, and Legal Education Reform Index (<http://www.abanet.org/rol/publications.shtml>). There are also efforts to create an index that focuses on criminal justice.<sup>4</sup> In response to the concern that most indices focus too much on state institutions, others have sought to develop an index that measures access to justice.<sup>5</sup>

None of the indices is perfect; all suffer from shortcomings in the underlying data and fall short on various technical dimensions; no single index fully captures – or could ever possibly capture – “the meaning” of rule of law. But progress has been made, and further progress can be expected. One example is the role that the World Justice Project attributes to the implementation of international human rights standards, thus in part overcoming the traditional separation between domestic and international conceptions of the rule of law. There is reason to hope, then, that new and improved indices will go a long way toward addressing the challenge that much of what we know or think we know about rule of law is based on flimsy foundations, scientifically suspect data, and poorly conceptualized indicators.

One of the biggest problems with most indices, even many of the new ones, is that they are based on very general rule of law principles. However, it is now widely recognized that basic rule of law principles are consistent with a wide variation in rules, institutions, and practices. This not only makes it difficult to measure rule of law but also affects rule of law promotion (Merkel, this volume), because it leads to confusion for both international donors and domestic policy makers. One possible agenda for the next generation of research would be to attempt to sort out which packages of reforms (rules, institutions, and practices) work in which contexts and at which levels of development. The increasing amount of data now available may allow this to be pursued through quantitative methods. By calling attention to different contexts and dynamics, some of the qualitative work now being done on MICs, postconflict situations (Bergling 2006; Zajac Sannerholm 2007),<sup>6</sup> and legal developments in authoritarian regimes (Ginsburg and Mustafa 2008; Peerenboom 2010a) may also provide guidance.

A second and related area in need of further research concerns the sequencing of reforms. The rise of China and the success of other Asian states have fueled the debate over whether economic growth and the establishment of rule of law should precede democratization or vice versa (compare Carothers 2007 with Peerenboom 2010b). Another macrolevel sequencing debate centers on economic policies and

<sup>4</sup> See the United Nations Rule of Law Indicators Project, in conjunction with the Vera Institute of Justice and members of the Altus Global Alliance. Available at <http://ar.unrol.org/doc.aspx?n=Newsletter+for+United+Nations+Rule+of+Law+Indicators+Project+June+2009.pdf>.

<sup>5</sup> See Hague Institute for the Internalisation of Law, “Measuring Access to Justice in a Globalising World.” Available at <http://www.hiil.org/research/main-themes/rule-of-law/research-project-measuring-access-to-justice-in-a-globalising-world/>.

<sup>6</sup> See also International Network to Promote the Rule of Law (INPROL). Available at <http://www.inprol.org/visitorhome>.

models of development, pitting shock therapy, neoliberalism, and the Washington Consensus against gradualism, the developmental state, and the Beijing Consensus, or more accurately, the East Asian Model (Peerenboom 2007). There is also the debate over whether to emphasize aggregate development or promote sustainable rights-based development, which in rule of law programming circles is manifest in the conflict between those who emphasize top-down institutional reforms and those who favor more bottom-up strategies of access to justice and legal empowerment. Another contested sequencing issue involves the need in failed or postconflict states to prioritize peace-keeping, security, and the law-and-order components of rule of law relative to the demands of citizens for improvements in daily public administration and civil dispute resolution mechanisms that address their more immediate needs.

Although judicial independence has been central to rule of law programming, and now is also supported by obligations stemming from international human rights law (Aust and Nolte, this volume), study after study demonstrates that giving more independence and authority to incompetent or corrupt judges does not produce just outcomes or enhance public trust in the judiciary in developing countries.<sup>7</sup> Although the need to sequence reforms in a way that balances judicial independence with judicial accountability is now often acknowledged in theory, how to do so in practice remains elusive.

More fundamentally, judicial reforms have been central to rule of law promotion efforts, but the focus on the judiciary ignores the holistic nature of reforms. Reforms must not only encompass all components of the legal complex (the courts, police, prosecutors, notaries, the legal profession, paralegals, law schools, etc.) but must also be complemented by changes in social norms and practices. Given the prominent role of lawyers in designing programs, reforms are often narrowly conceived in technical terms that ignore the broader social, political, economic, and cultural context. Lawyers tend to have an excessive faith in the power of law to change behavior. The focus on the judiciary also overstates the role of courts in promoting economic growth and resolving civil disputes. Moreover, the proper role for courts is much contested, even in countries known for rule of law (Peerenboom 2010a).

Further research is required to identify which institutions are best suited to resolve different types of disputes in a particular context and how to coordinate the roles of formal and informal institutions. There is also a pressing need for more empirical studies of how laws, including international laws, are implemented and how institutions actually operate in practice. There has also been little systematic study in the rule of law field of how to change social attitudes and norms and build support for rule of law reforms. In short, there is a pressing need for more research on the dynamics of rule of law diffusion.

<sup>7</sup> Transparency International, "Global Corruption Report: Corruption and Judicial Systems" (2007). Available at [http://www.transparency.org/publications/gcr/gcr\\_2007#download](http://www.transparency.org/publications/gcr/gcr_2007#download).

## 2. THE DYNAMICS OF RULE OF LAW DIFFUSION

### 2.1. *Developments*

Although rule of law promotion has produced less-than-stellar results in the traditional area aimed at developing states, it has led to a dynamic resulting in rule of law diffusion in unanticipated areas, most notably at the international and transnational levels.

First, rule of law diffusion has followed broader processes of internationalization and globalization. Transboundary investments, migration, and crime often call for parallel processes to strengthen the rule of law. States that are faced with human trafficking, for example, may strengthen law enforcement. Neighboring countries then feel compelled to follow suit to avoid the relocation of the unwanted practices to their less-regulated shores (Lloyd et al., this volume). In general, to the extent that the rule of law has diffused as an organizing principle of nation-states, this is part of the dominance of a Western script of what is modern, which is partially independent from efforts to actively promote rule of law. As the chapter by Merkel shows, rule of law developments and rule of law promotion efforts correlate weakly at best.

Second, rule of law has increasingly become a part of the prescriptions of international law pertaining to the way in which states should organize themselves (Aust and Nolte, this volume). In particular, the justification of strong interventions into war-torn societies on grounds of the rule of law has highlighted the issue of the extent to which states are bound to implement rule of law domestically as a norm of international law. Many governmental statements and declarations purport to view the rule of law as a central principle for the internal organization of states. Although international lawyers may debate to what extent rule of law has become a constitutive norm of sovereignty, there are certainly some signs that it is increasingly accepted as a regulatory norm in international law.

Third, rule of law has increasingly become part of the organization and operation of international institutions themselves (Gemkow and Zürn, this volume). This development is in part fueled by a consistency argument: If international organizations promote the rule of law by means of incentives and coercion, then they should be bound by rule of law principles as well. Although recipient countries that invoke the lack of consistency to justify resistance may be concealing other motivations, the criticism has had enough merit to spur some IOs to adopt rule of law principles embodied in international law. This is more the result of a process of diffusion of rule of law norms from their original domestic context to the international sphere, rather than the result of intentional promotion by the main actors in the rule of law industry.

Fourth, the demand for consistency is aimed not only at international organizations but also nonstate actors in international relations. The concept of rule of law is increasingly applied to transnational rule making and new modes of governance

as well as to military actors whose mission is not primarily to establish the rule of law.

To be sure, the results of such developments at the international and transnational level are modest at best. Given the national interests and geopolitical objectives of the major powers, the limited degree to which rule of law standards have been accepted and applied in international institutions, notably the Security Council, is to be expected. Major powers resist rule of law diffusion, just as less developed countries do. Similarly, transnational regulation and the tendency to rely on nonstate actors when intervening in foreign countries are partially driven by the desire to remove these activities from the constraints of national and international law and insulate them from public debate. The incentives to keep such arrangements outside of the realm of the rule of law are strong, and thus the resistance to applying rule of law standards to these areas is equally strong.

## 2.2. *Causes*

All of these cases of rule of law diffusion involve a number of mechanisms that are interactive in character and cannot be controlled by a small set of actors. Learning and persuasion, mimicry and emulation, and competition may lead to such unforeseen results (Simmons et al. 2008). Rule of law diffusion is therefore not limited to strategically employed coercion and incentives, but is also the result of dynamic processes triggered by rule of law promotion efforts but not intended by the promoters. This is especially true when it comes to the application of rule of law principles to IOs and other international actors and to transnational rule making and governance. As the Schuppert chapter shows, we are only at an early stage in the process of extending rule of law principles to transnational rule making. The same holds for extending the rule of law to the international level generally, and to the operation of international organizations in particular. However, the normative argument that IOs *should* comply with such principles to enhance their legitimacy and the legitimacy of their rule of law promotion activities seems compelling, given the resentment expressed by many over the immunity enjoyed by IOs and the apparent hypocrisy in IOs promoting principles that they themselves do not follow (Gemkow and Zürn, this volume). Research on the dynamics of the evolution of norms in the international realm shows that such dynamics can create significant effects (Finnemore and Sikkink 1998; Risse, Ropp, and Sikkink 1999). The boomerang effect has played a role in many processes. When international actors use norms to justify what they do, the norms are empowered over time and come to apply to those who have invoked them. A number of different causal mechanisms may lead to such a result, although most often a combination of pressure and learning is decisive (see also Lloyd et al. and Gemkow and Zürn, this volume).

Notwithstanding the many obstacles and resistance from interested states and international actors, rule of law diffusion is an observable trend, and there are likely

to be further positive developments in the future. The unanticipated results so far of the normative dynamics initiated by rule of law promotion suggest that it may be possible to develop a more universally acceptable conception of rule of law and a set of rule of law principles or standards applicable to all states and transnational actors and activities. The historical development of human rights law provides some basis for optimism. Rule of law appears to enjoy wider acceptance across ideologies, religions, and political regimes than democracy and many allegedly universal human rights, and yet there is no International Bill of Rule of Law comparable to the International Bill of Human Rights (which consists of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights), much less anything like the dense network of international, regional, and domestic laws and regulations that govern specific human rights. To be sure, for rule of law to retain its appeal and avoid the normative critiques that assert Western bias in the international human rights corpus, the process of incorporation of rule of law principles into international law would have to be based on a more inclusive universalism that includes views and values from other traditions (Otto 2009).

### 2.3. *Future Areas of Research*

Further research is required to better understand the causal mechanisms that lead states, IOs, and other transnational actors to adopt and comply with rule of law principles, and how that process may be supported. Although rule of law promoters increasingly realize the utility of an emerging international rule of law standard to support their efforts, we now need to identify the causal pathways through which rule of law diffusion takes place and incorporate these insights into a general theory that explains rule of law diffusion across countries and levels of governance (national, transnational, international, and regional).

Rule of law diffusion across levels of governance raises a number of challenging questions about conceptions of world order in which different legal systems based on the concept of rule of law interact with each other. Ultimately, the legitimacy of interventions into societies from the outside depends on such a conception. One response to this challenge is the constitutionalization of world politics. Constitutionalization in this context refers to a process in which different legal orders are integrated by the establishment of an ultimate legal authority in the form of a (written or unwritten) constitution that serves as higher law and is grounded in shared fundamental values (De Wet 2006; Klabbers, Peters, and Ulfstein 2009). Although this vision is intimately bound to the concept of rule of law, it goes further by identifying an overarching authority and prescribing legal means through which it can be achieved. This project therefore contains a strongly utopian flavor. As long as there is no common understanding of the community that needs to be constitutionalized, the lack of consensus may lead to fundamental conflicts and any step

toward strong constitutionalization may be read as an instrument of power. Given the enormous differences in power in the international system, a full process of constitutionalization may therefore reduce, rather than enhance, legitimacy – especially in the view of weak states from the southern hemisphere that often perceive constitutionalization as a project of prolonging Western dominance (see, e.g., Rajagopal 2003).

Legal pluralists therefore argue against the constitutionalist approach that major components of an international rule of law can be established in the absence of a global constitution, in a world in which different political authorities exist without being integrated in a hierarchical order. To be sure, one of the major objections to such a notion of legal pluralism (Krisch 2010) or cosmopolitan constitutionalism (Kumm 2009) is that it cannot guarantee a stable rule of law. This may be an overly strong claim, however, given the various possibilities and mechanisms for resolving conflicts between different legal orders, including mutual acceptance of general legal principles (Bogdandy and Venzke 2010; Kumm 2009). Moreover, there are good normative arguments that certain conflicts between legal orders have to be solved outside of the legal sphere anyway, because they involve political matters (Waldron 1999; Zürn et al. 2011). After all, even in domestic systems known for rule of law, many important matters are decided through political channels. If legal pluralism, that is, legal orders that stand in a nonhierarchical relationship with each other, prevails, then the main issue to be resolved is where legal or political mechanisms can be developed to coordinate the different legal orders without generating an excessive amount of legal uncertainty. On this point, more empirical research is needed that would help identify the interacting processes between different (in particular national and international) legal orders. Such research should identify the degree to which international institutions, to the extent that they do not fully conform to external expectations of rule of law compliance, are held in check by national legal (including judicial) and political organs and processes.

In any event, we are at present by all accounts very far from living in a world where international relations are governed by rule of law principles. It is even debatable whether it makes sense to conceptualize “international rule of law” based on an analogy to domestic rule of law given the many structural differences between nation-states and the international legal order (Chesterman 2009). Rather than trying to fit square pegs into round holes, it may be better to try a radically different approach that does not begin with domestic rule of law as the model for rule of law at the international level. This approach would require a thorough analysis of the normative aims of the international legal order and the purposes that international rule of law is meant to serve, as well as the institutions that would be required to achieve it. Although this approach runs the risk of undermining support for efforts to create an international order that comports with the image of domestic liberal democratic rule of law writ large, it need not. It may provide a more realistic framework for pursuing the possibilities and limits of an international rule of law for states that

is based on the notion that different forms of political authority require different sources of legitimacy.

Nevertheless, such a differential approach has to take into account that part of international law, notably international human rights law, penetrates domestic legal orders and as such has a dual character – being constitutive of the international and the national rule of law at the same time (assuming that rule of law is conceptualized in thick terms that incorporate human rights notions). There is therefore a strong argument that, at least to the extent that international law is controlling national law, it should satisfy equivalent, not lesser, standards of the rule of law (Bodansky 1999; Crawford 2003).

These different conceptions of international rule of law and their interrelationship are highly complex and may differ between regions and between particular functional areas of international law. More research is needed on the normative, theoretical, and empirical issues relating to the diffusion of rule of law both at the international–transnational level and at the domestic level.

### 3. THE DYNAMICS OF RULE OF LAW CONVERSION

#### 3.1. *Developments*

One lesson learned over the years is that rule of law principles and practices are likely to be transformed by the recipient actors (Gillespie, this volume). Bringing in the recipient perspective is thus essential to our understanding of rule of law dynamics because the conversion process affects the outcome of rule of law promotion, which in turn leads to further changes in the methods and objectives of rule of law promotion. Three findings are of special importance here.

First, developing countries are now questioning whether rule of law in the form currently promoted is necessary for economic development given the success of China and other Asian states. Their success seems to support a more pragmatic and modest approach aimed at second-best solutions and “good enough institutions” rather than trying to leapfrog ahead through legal transplants of laws and institutions modeled on those in advanced states. More assertive and confident MICs are also decidedly less inclined to accept conditionalities or to bow to the wisdom of foreign powers on key policy issues that no developed country government would dream of ceding to outside actors (except for the EU).

Second, increasing concerns about the legitimacy of rule of law promotion are having a negative impact on rule of law promotion. Recipients are increasingly questioning whether key decisions regarding the strategies and methods of rule of law promotion are the result of a due political process and adequately take their particular needs and circumstances into account. The lack of consistency in these policies, the willingness to subordinate them to considerations based on national interest, and the weakness of rule of law mechanisms on the international level

undermine the credibility of rule of law promotion efforts while lending credibility to those who invoke the lack of legitimacy to resist reforms.

Third, the poor record of rule of law promotion over the past several decades is beginning to erode political will for further reforms both among major powers and international institutions involved in rule of law promotion. The reallocation of funding from legal reforms and democracy promotion to security concerns, although partially the result of 9/11 and the ensuing so-called war on terror, also reflects reform fatigue and a growing sense that rule of law and democracy promotion efforts are just not working (Merkel, this volume). To be sure, Western powers have a history of beginning reforms and then not following through when the going gets tough and domestic political winds change. The reformulation of the mission statement from state building and promotion of democracy in Afghanistan and Iraq to the narrower objective of disabling Al Qaeda is only the last in a series that includes the hasty retreat of U.S. forces from Somalia; the withdrawal of UN peace-keeping forces and other personnel when some peace-keepers or UN offices were attacked in Somalia, Rwanda, East Timor, and Iraq; and the failure to adequately fund the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the former Yugoslavia (Majtenyi 2004), the Sierra Leone special war crimes court, and the Sierra Leone Truth and Reconciliation Commission (Schocken 2002; Udombana 2003). The rule of law field is filled with the carcasses of half-completed projects left to die for lack of funding.

### 3.2. Causes

Rule of law conversion challenges are part of a wider set of challenges that arise when translating concepts across different social contexts. Similar issues occur in the efforts to promote human rights or to persuade countries to adopt (neoliberal) economic policies or to join efforts to deal with nuclear proliferation and climate change. Nevertheless, rule of law has its own dynamic, and recipient-side problems may be more severe than in other areas.

One explanation for the poor results of rule of law efforts emphasizes political economy obstacles and conflicting interests within the recipient state. Trebilcock and Daniels (2008) highlight three types of *interest-based constraints* on the part of the recipients. First is opposition from political leaders in authoritarian states or illiberal democracies who are afraid of establishing alternative sources of power and legitimacy. Second are interest-based conflicts among state organs, between state organs and special interest groups, and within civil society among various interest groups. For example, efforts to enhance the independence and authority of the judiciary may be opposed by the legislature and administrative agencies; the police and prosecutors may oppose attempts to strengthen the defense bar; judges may oppose reforms aimed at enhancing judicial efficiency or ensuring accountability by subjecting the judiciary to supervision by judicial counsels, the media, and citizen



groups; and business associations representing heavy industry may lobby against broad standing rules for NGOs favored by environmental activists. Third is the more mundane corruption and rent seeking by individuals or groups of individuals, which cause them to resist welfare-enhancing reforms and to distort the rules.

There is no doubt that all three interest-based obstacles present challenges to successful rule of law promotion. Before assuming that leaders in developing states are inherently opposed to legal reforms or lack the political will to implement reforms in the face of interest group opposition, however, it bears noting that rule of law reform is only one of the many challenges they face. Establishing a functional legal system is a costly business, as the high correlation between wealth and rule of law suggests. Strengthening the legal system may be just one part of a broader effort at state building. The costs of rule of law reforms may outweigh the benefits given a crowded reform agenda in developing states. Failed or low-income states in particular may simply lack the resources and capacity to carry out complex legal reforms.

In any event, many countries, especially MICs, do have the political will and the resources to carry out meaningful reforms. After all, there have been successful cases of rule of law reforms as well – most notably in East Asia but also in Latin America and elsewhere. Thus, interest-based constraints are not insurmountable in all cases.

As noted, two popular explanation of the poor results of rule of law promotion are an overemphasis on top-down reforms and a mismatch between the attempt to transplant laws and institutions appropriate for economically advanced liberal democracies to radically different contexts. A potential corrective would be to pay more attention to bottom-up approaches that focus on the immediate needs of citizens for justice, poverty alleviation, legal empowerment, and “rights-based” development (Banik 2009; Golub 2006). A somewhat broader and more fundamental proposal would be to take more seriously the different cultural contexts and how they require appropriate institutional translation of the rule of law principle, thus modifying not only the mix between top-down and bottom-up approaches but also the mix between formal and informal institutions and the mix between developing new institutions based on foreign models versus adapting existing institutions.

This more fundamental proposal acknowledges that *cultural constraints and normative conflicts* are key barriers to successful adoption of rule of law concepts and implementation of rule of law principles and practices. After all, rule of law reforms do not occur in a vacuum. Reformers are not working on a blank slate. Rule of law reforms often conflict with, and tend to displace, existing normative and governing structures (Upham 2002). Whereas rule of law implies constraints on arbitrary power, rule of law promotion assumes a functional state, with many reforms aimed at creating national laws and strengthening formal state institutions. Reforms alter existing power relationships, including the balance of power between central and local authorities, between local governments and citizens, and between various groups within society. Although that is often the purpose, and may be for the better, sometimes the result is to throw the baby out with the bathwater.

Moreover, most reform projects emphasize the passage of laws that reflect contemporary human rights standards incorporated in international law but mainly implemented in reasonably wealthy Western liberal democracies. Conflicts are more likely in some areas than others. For example, laws that affect religion, gender relations, and minority rights are more likely to encounter local resistance than commercial laws. Criminal law is another contested area, given the high crime rates in many developing countries and the breakdown of order in failed states. Laws that address socioeconomic issues – labor and environmental laws, land titling and government takings, social security (welfare, medical care, and education) – are also likely to be highly dependent on levels of development and to be hotly contested by interests groups based on how they are affected. Administrative law is another area that is very path dependent and subject to wide institutional variation.

One of the most commonly cited “lessons learned” therefore is that reforms must be “country owned and country led.” Nonetheless, as the chapters in this volume show, most rule of law promotion strategies are developed by international actors with little input from the recipient countries, and especially from citizens within the recipient countries who will be affected by reforms. The reform agenda is then put to state leaders, often with conditions attached in the form of carrots or sticks or both. The lack of “buy-in” by local stakeholders undermines the legitimacy of efforts to promote rule of law, especially when major powers and international actors themselves often do not comply with rule of law principles.

For reforms to genuinely be country owned and country led would require increased participation of various domestic stakeholders at both the international and domestic levels during all stages of the reform process, from planning, to legislation, implementation, monitoring, and assessment. This shift would greatly increase the role and responsibility of domestic actors for reforms, altering the power dynamics between buyers and sellers. But this is as it should be.<sup>8</sup> Too often local governments cede control over key policy decisions to international actors, with all too predictably poor results.

There is undeniably a greater appreciation that the key to success often depends on the ability to overcome political and cultural obstacles, particularly in MICs. Unfortunately, there is also a growing realization that foreign actors are not well positioned to address such problems, the outcome of which generally depends on political struggle and compromise by domestic stakeholders and interest groups. This is particularly true for problems that result from interest-based conflicts among state organs, between state organs and special interest groups, and within civil society among various interest groups (Zajac-Sannerholm, this volume). However, it also

<sup>8</sup> Country ownership may, of course, have negative consequences in some contexts, for example when leaders are not genuinely interested in reform, when dominant groups use legal reforms to oppress others, or when interest groups take advantage of collective action problems to defeat welfare-enhancing reforms.

applies to cases in which developing country leaders oppose rule of law reforms for fear of losing their grip on power, particularly given that there is now less support for conditionalities, humanitarian intervention, and regime change. Similarly, although corruption is an additional cause of rule of law conversion, and development agencies continue to explore ways to deal with corruption, including judicial corruption, and to promote transparency, the results have been far from ideal.<sup>9</sup> Corruption, like politics, is largely a local phenomenon.

Recognizing the local element of rule of law promotion and diffusion, and thus the crucial role of rule of law conversion, also has major implications for attempts to develop international law requirements for rule of law at the national level. For one thing, it simply hampers efforts to achieve meaningful universally applicable standards, which as a result remain rather minimalistic (Aust and Nolte, this volume). To the extent that such standards do exist, international law inevitably will have to leave room for local adjustment and translation, leading to processes of fragmentation of international law. In view of the impact of international law on domestic law, such translation processes are a central manifestation of the fragmentation of international law (Kunzelmann 2008). Even more than fragmentation between different international legal regimes, the fragmentation caused by divergent national receptions of international law is “an ephemeral reflection of a more fundamental, multi-dimensional fragmentation of global society itself” (see generally Fischer-Lescano and Teubner 2004; Jackson 2010).

Even though fragmentation is generally given a pejorative meaning, a multiplicity of meanings in a domestic context is not necessarily a negative phenomenon. There exists an inescapable tension between the universalist aspirations of much of international law, on the one hand, and, on the other, the need to ground interpretation and application of the law in a localized expression (Adjami 2002).

### 3.3. *Future Areas of Research*

One of the most important challenges for further research therefore lies in bringing in the recipient perspective. The days of one-size-fits-all rule of law promotion are over. Without a better understanding of which type of societies are conducive to which types of rule of law promotion, externally driven reforms will continue to produce lackluster results. Balancing rule of law principles with local practice (which is not necessarily opposed to the rule of law, but which may simply reflect different aspects of the rule of law; see Nouwen, this volume) will remain a major task of the implementing actors on site. There will never be precise recipes that prescribe the use of strategy A when faced with local constellation X, strategy B when faced with local constellation Y, or strategy C when faced with local constellation Z. However, a better

<sup>9</sup> Again, see Transparency International, “Global Corruption Report 2007: Corruption and Judicial Systems.” Available at [http://www.transparency.org/publications/gcr/gcr\\_2007#download](http://www.transparency.org/publications/gcr/gcr_2007#download).

understanding of different types of political and cultural constellations within the recipient countries would help determine which strategies and substantive reforms are more likely to succeed in the particular context, for instance with regard to sequencing. At the same time, it would help to more accurately assess the success of those efforts by use of more refined indices. There is also a need for a better understanding of how seemingly uniform international standards are received and translated at the national level. Moreover, for typologies to be useful they need to go further than the World Bank notion of middle-income countries, which includes the vast majority of countries today. They need to be more differentiated, and they need to include political and cultural criteria as well as economic criteria.

#### 4. CONCLUSION

The rule of law field is relatively new, as evidenced by the underdeveloped state of rule of law indices relative to democracy indices and the more highly developed state of human rights law. Much remains to be researched and learned. But even with additional knowledge and much good will, the future is likely to contain as many failures as successes. Establishing the rule of law is a long-term process that involves many fundamental and many incremental changes, and many unforeseen dynamics created by interactions between the actors involved. It is the result of protracted political struggle on multiple fronts by multiple actors. Rule of law is also an ideal imperfectly realized everywhere. As such, there will always be new challenges and new struggles, and new dynamics.

For rule of law promotion to be successful a more comprehensive analysis of rule of law diffusion and rule of law conversion is required. Understanding these three processes and the dynamic interrelationships among them is a difficult task. Nevertheless, given the important values served by rule of law, it is a challenge that must be met. We hope that this volume contributes to that worthy goal.

## Bibliography

### BOOKS AND ARTICLES

- Abadeer, Adel, *The Entrapment of the Poor into Involuntary Labor: Understanding the Worldwide Practice of Modern-Day Slavery*. Edwin Mellen Press, 2008.
- Abbott, Kenneth, Keohane, Robert, Moravcsik, Andrew, Slaughter, Anne-Marie, and Snidal, Duncan, "The Concept of Legalization." *International Organization* 54(3) (2000): 401–419.
- Abbott, Kenneth, and Snidal, Duncan, "Hard and Soft Law in International Governance." *International Organization* 54(3) (2000): 421–456.
- Adjami, Mirna, "African Courts, International Law, and Comparative Case-Law: Chimera or Emerging Human Rights Jurisprudence." *Michigan Journal of International Law* 164(24) (2002): 103–167.
- Ajani, Gianmaria, "By Chance and Prestige: Legal Transplants in Russia and Eastern Europe." *American Journal of Comparative Law* 43(1) (1995): 93–118.
- Alter, Karen, *The European Court's Political Power. Selected Essays*. Oxford University Press, 2009.
- Arato, Andrew, *Constitution Making Under Occupation*. Columbia University Press, 2009.
- Autheman, Violaine, and Elena, Sandra, *Global Best Practices: Judicial Councils. Lessons Learned from Europe and Latin America*. IFES Rule of Law White Paper Series (2004).
- Arvind, T. T., and Stirton, Lindsay, "Explaining the Reception of the Code Napoleon in Germany: A Fuzzy-Set Qualitative Comparative Analysis." *Legal Studies* 30(1) (2010): 1–29.
- Avant, Deborah, Finnemore, Martha, and Sell, Susan (eds.), *Who Governs the Globe?* Cambridge University Press, 2010.
- Bachmann-Medick, Doris, "Introduction: The Translational Turn." *Translation Studies* 2(1) (2009).
- Banik, Dan, "Legal Empowerment as a Conceptual and Operation Tool in Poverty Eradication." *Hague Journal on Rule of Law* 1(2009): 117–131.
- Baracani, Elena, "EU Democratic Rule of Law Promotion," in Magen, Amichai, and Morlino, Leonardo (eds.), *International Actors, Democratization, and the Rule of Law. Anchoring Democracy?* Routledge, 2009.
- Barnett, Michael, and Finnemore, Martha. *Rules for the World. International Organizations in Global Politics*. Cornell University Press, 2004.

- Barria, Lilian, and Roper, Steven, "Judicial Capacity Building in Bosnia and Herzegovina: Understanding Legal Reform Beyond the Completion Strategy of the ICTY." *Human Rights Review* 9(2008): 317–330.
- Barron, Gordon, "The World Bank & Rule of Law Reforms." Working Paper Series No. 05–70. Development Studies Institute, London School of Economics and Political Science (2005). Accessed 22 April 2010 at [www.lse.ac.uk/collections/DESTIN/pdf/WP70.pdf](http://www.lse.ac.uk/collections/DESTIN/pdf/WP70.pdf).
- Beetham, David, *The Legitimation of Power*. Humanities Press International, 1991.
- Beetham, David, "Key Principles and Indices for a Democratic Audit," in Beetham, David (ed.), *Defining and Measuring Democracy*. Sage, 1994: 25–43.
- Benda-Beckmann, Franz von, and Benda-Beckmann, Keebet von, "Property, Politics and Conflict: Ambon and Minangkabau Compared." *Law and Society Review* 28(1994): 589–607.
- Berger, Peter, and Luckman, Thomas, *The Social Construction of Reality*. Anchor Books, 1967.
- Bergling, Per, *Rule of Law on the International Agenda: International Support to Legal and Judicial Reform in International Administration, Transition and Development Co-operation*. Intersentia, 2006.
- Bergling, Per, Wennerström, Erik, and Zajac Sannerholm, Richard, "Rule of Law in Public Administration: Problems and Ways Ahead in Post-Conflict Peace-Building." *Hague Journal on the Rule of Law* 2(2010): 171–202.
- Berkowitz, Daniel, Pistor, Katharina, and Richard, Jean Francois, "The Transplant Effect." *American Journal of Comparative Law* 51(2003): 163–203.
- Bernstein, Steven and Cashmore, Benjamin, "Can Non-State Global Governance Be Legitimate? An Analytical Framework." *Regulation & Governance* 1(4) (2007): 347–371.
- Bhabha, Homi, *The Location of Culture*. Routledge, 2004.
- Bicchi, Federica, "Our Size Fits All: Normative Power Europe and the Mediterranean." *Journal of European Public Policy* 13(2) (2006): 286–303.
- Bich Lien, Bui Thi, "Legal Education and Legal Profession in Contemporary Vietnam: Tradition and Modification," in Chen, Albert, and Gillespie, John (eds.), *Legal Reforms in China and Vietnam: A Comparison of Asian Communist Regimes*. Routledge, 2010: 299–319.
- Birtle, Andrew. *US Army Counterinsurgency and Contingency Operations Doctrine, 1860–1941*. Center of Military History, 1998.
- Björkdahl, Annika, "Norm-Maker and Norm-Taker: Exploring the Normative Influence of the EU in Macedonia." *European Foreign Affairs Review* 10(2005): 257–278.
- Black, Julia, "Regulatory Conversations." *Journal of Law and Society* 29(1) (2002): 163–196.
- Black, Julia, "Constructing and Contesting Legitimacy and Accountability in Polycentric Regulatory Regimes." *Regulation and Governance* 2(2008): 1–15.
- Böckenförde, Ernst-Wolfgang, "Entstehung und Wandel des Rechtsstaatsbegriffs," in Ehmke, Horst, Schmid, Carlo, and Scharoun, Hans (eds.), *Festschrift für Adolf Arndt zum 65. Geburtstag*. Europäische Verlagsanst, 1969.
- Bodansky, Daniel, "The Legitimacy of International Governance: A Coming Challenge for International Environmental Law." *American Journal of International Law* 93(3) (1999): 596–624.
- Bogdandy, Armin von, "Prinzipien der Rechtsfortbildung im europäischen Rechtsraum. Überlegungen zum Lissabon-Urteil des Bundesverfassungsgerichts." *Neue Juristische Wochenschrift* 63(1–2) (2010): 1–5.
- Bogdandy, Armin von, Dann, Philipp, and Goldmann, Matthias, "Developing the Publicness of Public International Law: Towards a Legal Framework for Global Governance Activities," in Bogdandy, Armin von, Wolfrum, Rüdiger, Bernstorff, Jochen von, Dann, Philipp,

- Goldmann, Matthias, (eds.), *The Exercise of Public Authority by International Institutions. Advancing International Institutional Law*. Beiträge zum ausländischen öffentlichen Recht und Völkerrecht Band 210. Springer, 2010.
- Bogdandy, Armin von, and Venzke, Ingo, "Zur Herrschaft Internationaler Gerichte: Eine Untersuchung Internationaler öffentlicher Gewalt und Ihrer Demokratischen Rechtfertigung." *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 70(1) (2010): 1–49.
- Böhling, Kathrin, "Zur Bedeutung von 'boundary spanning units' für Organisationslernen in internationalen Organisationen." *WZB Discussion Paper FS II 01–101*, Wissenschaftszentrum Berlin, 2001.
- Borgan, Christopher, "The Language of Law and the Practice of Politics: Great Powers and the Rhetoric of Self-Determination in the Cases of Kosovo and South Ossetia." *Chicago Journal of International Law* 10(2009): 1–33.
- Botzem, Sebastian, Hofmann, Jeanette, Quack, Sigrid, Schuppert, Folke, and Strassheim, Holger. *Governance als Prozess: Koordinationsformen im Wandel*. Nomos, 2009.
- Braithwaite, John, "Responsive Regulation and Developing Economies." *World Development* 34(5) (2006): 884–898.
- Breitmeier, Helmut, Young, Oran, and Zürn, Michael, *Analyzing International Environmental Regimes. From Case Study to Database*. MIT Press, 2006.
- Brooks, Rosa, "The New Imperialism: Violence, Norms, and the 'Rule of Law.'" *Michigan Law Review* 101(2002): 2275–2340.
- Brunsson, Nils, and Jacobsson, Bengt, "The Contemporary Expansion of Standardization," in Brunsson, Nils, and Jacobsson, Bengt (eds.), *A World of Standards*. Oxford University Press, 2000.
- Buden, Boris, and Stefan Nowotny, "Translation Studies Forum: Cultural Translation." *Translation Studies* 2(2) (2009): 196–219.
- Bühlmann, Marc, Merkel, Wolfgang, and Wessels Bernhard, *The Quality of Democracy: Democracy Barometer for Established Democracies*. National Center of Competence in Research, NCCR Democracy, University of Zurich, 2010.
- Bühlmann, Marc, Merkel, Wolfgang, Müller, Lisa, and Wessels, Bernhard, "The Democracy Barometer: A New Instrument to Measure the Quality of Democracy and its Potential for Comparative Research." *European Political Science* (2011a): advance online publication, 16 December 2011; doi:10.1057/eps.2011.46, <http://www.palgrave-journals.com/eps/journal/vaop/ncurrent/full/eps201146a.html>.
- Bühlmann, Marc, Wolfgang Merkel, Lisa Müller, Heiko Giebler, and Bernhard Wessels (2011b). *Democracy Barometer. Methodology*. Aarau: Zentrum für Demokratie.
- Buiyan, Sharif, *National Law in WTO Law – Effectiveness and Good Governance in the World Trading System*. Cambridge University Press, 2007.
- Bull, Carolyn, *No Entry Without Strategy: Building the Rule of Law Under UN Transitional Administration*. United Nations University, 2008.
- Byers, Michael, *Custom, Power and the Power of Rules: International Relations and Customary International Law*. Cambridge University Press, 1999.
- Calliess, Graf-Peter, *Grenzüberschreitende Verbraucherverträge: Rechtssicherheit und Gerechtigkeit auf dem elektronischen Weltmarktplatz*. Mohr Siebeck, 2006.
- Cameron, Sally, and Newman, Edward (eds.), *Trafficking in Humans: Social, Cultural and Political Dimensions*. United Nations University Press, 2008.
- Cançado Trindade, Antônio Augusto, *Evolution du droit international au droit des gens – L'accès des individus à la Justice internationale – Le regard d'un juge*. Pedone, 2008.
- Caplan, Richard, "Who Guards the Guardians? International Accountability in Bosnia." *International Peacekeeping* 12(3) (2005): 463–476.

- Carlowitz, Leopold von, "UNMIK Lawmaking Between Effective Peace Support and Internal Self-Determination." *Archiv des Völkerrechts* 41(3) (2003): 336–393.
- Carlsnaes, Walter, Risse, Thomas, and Simmons, Beth A. (eds.). *Handbook of International Relations*. Sage Publications, 2002.
- Carlson, Scott, Brooks, Rosa, Nawabi, Mariam and Bodansky, Daniel, "From Autocracy to Democracy: The Effort to Establish Market Democracies in Iraq and Afghanistan: Panel 1: Establishing the Rule of Law." *Georgia Journal of International and Comparative Law* 33(2004): 119–142.
- Carothers, Thomas, "The Rule of Law Revival." *Foreign Affairs* 77(2) (1998): 95–106.
- Carothers, Thomas (ed.), *Promoting the Rule of Law Abroad: In Search of Knowledge*, Carnegie Endowment for International Peace, 2006a.
- Carothers, Thomas, "The Problem of Knowledge," in Carothers, Thomas (ed.), *Promoting the Rule of Law Abroad: In Search of Knowledge*. Carnegie Endowment for International Peace, 2006b.
- Carothers, Thomas, "The Rule-of-Law Revival," in Carothers, Thomas (ed.), *Promoting the Rule of Law Abroad: In Search of Knowledge*. Carnegie Endowment for International Peace, 2006c: 3–14.
- Carothers, Thomas, "Rule of Law Temptations." *Fletcher Forum of World Affairs* 33(1) (2009b): 49–61.
- Cashore, Benjamin, "Legitimacy and the Privatization of Environmental Governance: How Non-State Market-Driven (NSMD) Governance Systems Gain Rule-Making Authority." *Governance* 15(2002): 502–529.
- Casper, Gerhard, "Rule of Law? Whose Law?" *CDDRL Working Paper No. 10*, Stanford University (2004).
- Cass, Ronald, *The Rule of Law in America*. Johns Hopkins University Press, 2001.
- Cassese, Sabino, "Administrative Law Without the State? The Challenge of Global Regulation." *New York University Journal of International Law and Politics* 37 (4) (2005): 663–694.
- Cavalcanti Melo Filho, Hugo, "A Reforma do Poder Judiciário Brasileiro: motivações, quadro actual e perspectivas." *Revista Centro de Estudos Judiciários*, 21(2003): 79–86.
- Chayes, Abram, and Chayes Handler, Antonia, *The New Sovereignty: Compliance with International Regulatory Agreements*. Harvard University Press, 1995.
- Chesterman, Simon, *You, the People: The United Nations, Transitional Administration, and State-Building*. Oxford University Press, 2004.
- Chesterman, Simon, "An International Rule of Law?" *American Journal of Comparative Law* 56(2008a): 331–361.
- Chesterman, Simon, "Rule of Law," in Wolfrum, Rüdiger (ed.), *Max Planck Encyclopedia of Public International Law*, Online ed. Oxford University Press, 2008b.
- Chesterman, Simon, "I'll Take Manhattan: The International Rule of Law and the United Nations Security Council." *Hague Journal on Rule of Law* 1(2009): 67–73.
- Chung, Christine, "The Punishment and Prevention of Genocide: The International Criminal Court as a Benchmark of Progress and Need." *Case Western Reserve Journal of International Law* 40(2007–2008): 227–242.
- Clark, Gordon, "Money Flows like Mercury: The Geography of Global Finance." *Geografiska Annaler, Series B: Human Geography* 87(2) (2005): 99–112.
- Collier, Paul. *Wars, Guns, and Votes: Democracy in Dangerous Places*. Harper, 2009.
- Cannon, Brian, "Beyond Complementarity: The International Criminal Court and National Prosecutions, a View from Haiti." *Columbia Human Rights Law Review* 32(2000): 201–250.



- Coning, Cedric de, "The UN Transitional Administration in East Timor (UNTAET): Lessons Learned from the First Hundred Days." *International Peacekeeping* 6(2000): 83–90.
- Cooper, Andrew, *Celebrity Diplomacy*. Paradigm Publishers, 2007.
- Cooper, Scott, Hawkins, Darren, Jacoby, Wade, and Nielson, Daniel, "Yielding Sovereignty to International Institutions: Bringing System Structure Back In." *International Studies Review* 10(2008): 501–524.
- Cornell, Svante, "The Interaction of Drug Smuggling, Human Trafficking and Terrorism," in Jonsson, Anna (ed.), *Human Trafficking and Human Security*. Routledge, 2009.
- Corten, Olivier, "Déclarations unilatérales d'indépendance et reconnaissances prématurées: du Kosovo à l'Ossétie du Sud et à l'Abkhazie." *Révue générale de droit international public* 112(2008): 721–759.
- Corten, Olivier, "Rapport General: L'Etat de droit en droit international: quelle valeur juridique ajoutée?," in Société française pour le droit international (ed.), *L'État de droit en droit international*. Pedone, 2009: 11–40.
- Cotterrell, Roger, "Is There a Logic of Legal Transplants," in Nelken, David and Feest, Johannes (eds.), *Adapting Legal Cultures*. Hart Publishing, 2001: 71–92.
- Crawford, Gordon, *Foreign Aid and Political Reform. A Comparative Analysis of Democracy Assistance and Political Conditionality*. Palgrave Macmillan, 2001.
- Crawford, James, "International Law and the Rule of Law." *Adelaide Law Review* 24(2003): 3–12.
- Crawford, James, *The Creation of States in International Law*, 2nd ed. Oxford University Press, 2006.
- Curley, Melissa, and Siu-lun Wong, *Security and Migration in Asia: The Dynamics of Securitization*. Politics in Asia Series. Routledge, 2008.
- Dahl, Robert, *Polyarchy. Participation and Opposition*. Cambridge University Press, 1971.
- Dam, Kenneth, *The Law-Growth Nexus: The Rule of Law and Economic Development*. Brookings Institution Press, 2006.
- Das, Dilip, and Ebbe, Obi Ignatius (eds.), *Global Trafficking in Women and Children*. CRC Press, 2008.
- Decker, Klaus, "World Bank Rule of Law Assistance in Fragile States: Developments and Perspectives," in Perry-Kessaris, Amanda (ed.), *Law in Pursuit of Development: Principles into Practice?* Routledge, 2010: 224–253.
- De Sena, Pasquale, and Vitucci, Maria, "The European Courts and the Security Council: Between Dedoublement Fonctionnel and Balancing of Values." *European Journal of International Law* 20(1) (2009): 193–228.
- DeStefano, Anthony, *The War on Human Trafficking: U.S. Policy Assessed*. Rutgers University Press, 2007.
- De Wet, Erika, "The International Constitutional Order." *International and Comparative Law Quarterly* 55(2006): 51–76.
- Dewey, Susan. *Hollow Bodies: Institutional Responses to Sex Trafficking in Armenia, Bosnia, and India*. Kumarian Press, 2008.
- Dezalay, Yves, and Garth, Bryant (eds.), *Dealing in Virtue. International Commercial Arbitration and the Construction of a Transnational Legal Order*. University of Chicago Press, 1996.
- Dezalay, Yves, and Garth, Bryant, *The Internationalization of Palace Wars, Lawyers, Economists and the Contest to Transform Latin American States*. University of Chicago Press, 2002.
- Diamond, Larry, *The Spirit of Democracy: The Struggle to Build Free Societies Throughout the World*. Times Books, 2008.

- Diamond, Larry, and Morlino, Leonardo, *Assessing the Quality of Democracy*. Johns Hopkins University Press, 2005.
- DiMaggio, Paul, "Culture and Cognition: An Interdisciplinary Review." *Annual Review of Sociology* 23(1997): 263–287.
- DiMaggio, Paul, "Interest and Agency in Institutional Theory," in Zucker, Lynne (ed.), *Institutional Patterns and Organizations*. Ballinger, 1988: 3–22.
- Di Nicola, Andrea, *Prostitution and Human Trafficking: Focus on Clients*. Springer, 2009.
- Djelic, Marie-Laure, and Salin-Andersson, Kerstin, *Transnational Governance: Institutional Dynamics of Regulation*. Cambridge University Press, 2006.
- Dobbins, James, Jones, Seth, Crane, Keith, and Degrasse, Beth, *The Beginners Guide to Nation-Building*. Rand Publishing, 2007.
- Dolzer, Rudolf, "Good Governance: Neues transnationales Leitbild der Staatlichkeit?" *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 64(2004): 533–546.
- Dolzer, Rudolf, and Schreuer, Christoph, *Principles of International Investment Law*. Oxford University Press, 2008.
- Dowdle, Michael, "Of Parliaments, Pragmatism, and the Dynamics of Constitutional Development: The Curious Case of China." *New York University Journal of International Law and Politics* 35(1) (2002): 1–200.
- Dowdle, Michael, "On the Regulatory Dynamics of Judicialization: The Promise and Perils of Exploring 'Judicialization' in East and South Asia," in Ginsburg, Tom and Chen, Albert (eds.), *Administrative Law and Governance in Asia: Comparative Perspectives*. Routledge, 2009: 23–37.
- Dowdle, Michael, "The Geography of Regulation," in Levi-Faur, David (ed.), *Handbook on Governance*. Oxford University Press, 2011.
- Downs, George, Rocke, David and Barsoom, Peter, "Is the Good News About Compliance Good News About Cooperation?" *International Organization* 50(3) (1996): 379–406.
- Drumbl, Mark, *Atrocity, Punishment, and International Law*. Cambridge University Press, 2007.
- Dunn, Frederick Sherwood, "International Law and Private Property Rights." *Columbia Law Review* 28(1928): 166–180.
- Easterly, William, "Foreign Aid for Scoundrels." *New York Review of Books*, 2010: 37–28.
- Ebbe, Obi Ignatius, and Das, Dilip (eds.), *Global Trafficking in Women and Children*. CRC Press, 2008.
- Ericson, Richard V., Doyle, Aaron, and Barry, Dean, *Insurance as Governance*. University of Toronto Press, Scholarly Publishing Division, 2003.
- Esty, Daniel, "Good Governance at the Supranational Scale: Globalizing Administrative Law." *Yale Law Journal* 115(2006): 1490–1561.
- Farrall, Jeremy, "Impossible Expectations? The UN Security Council's Promotion of the Rule of Law After Conflict," in Bowden, Brett, Charlesworth, Hilary, and Farrall, Jeremy (eds.), *The Role of International Law in Rebuilding Societies After Conflict*. Cambridge University Press, 2009: 134–156.
- Faundez, Julio, "The Rule of Law Enterprise: Promoting a Dialogue Between Practitioners and Academics." *Democratization* 12(4) (2005): 567–586.
- Faundez, Julio, "Rule of Law or Washington Consensus: The Evolution of the World Bank's Approach to Legal and Judicial Reform," in Perry-Kessaris, Amanda (ed.), *Law in Pursuit of Development: Principles into Practice?* Routledge, 2010: 180–201.
- Fauvarque-Cosson, Bénédicte, and Kerhuel, Anne-Julie, "Is Law an Economic Contest? French Reactions to the Doing Business World Bank Reports and Economic Analysis of the Law." *American Journal of Comparative Law* 57(4) (2009): 811–829.

- Fein, Helen. *Human Rights and Wrongs: Slavery, Terror, Genocide*. Paradigm Publishers, 2007.
- Finnemore, Martha, "Norms, Culture, and World Politics: Insights from Sociology's Institutionalism." *International Organization* 50(2) (1996): 325-347.
- Finnemore, Martha, and Sikkink, Kathryn, "Norm Dynamics and Political Change." *International Organization* 52(4) (1998): 887-917.
- Finnemore, Martha, and Toope, Stephen, "Alternatives to 'Legalization': Richer Views of Law and Politics." *International Organization* 55(3) (2001): 743-758.
- Fischer-Lescano, Andreas, and Teubner, Gunther, "Regime-Collisions: The Vain Search for Legal Unity in the Fragmentation of Global Law." *Michigan Journal of International Law* 999(25) (2004): 999-1046.
- Fishkin, James, He, Baogang, Lusk, Robert, and Siu, Alice, "Deliberative Democracy in an Unlikely Place: Deliberative Polling in China." Stanford University Center for Deliberative Democracy, 2006. Accessed 31 March 2010 at <http://cdd.stanford.edu/research/papers/2006/china-unlikely.pdf>.
- Fitschen, Thomas, "Inventing the Rule of Law for the United Nations." *Max Planck Yearbook of United Nations Law* 12(2008): 347-380.
- Forsythe, David, *Human Rights in International Relations*. Cambridge University Press, 2006.
- Fox, Gregory, *Humanitarian Occupation*. Cambridge University Press, 2008.
- Francioni, Francesco, "Access to Justice, Denial of Justice and International Investment Law." *European Journal of International Law* 20(2009): 729-747.
- Franck, Thomas, "Legitimacy in the International System." *American Journal of International Law* 82(4) (1988): 705-759.
- Franck, Thomas., *The Power of Legitimacy Among Nations*. Oxford University Press, 1990.
- Franck, Thomas, "The Emerging Right to Democratic Governance." *American Journal of International Law* 86(1992): 46-91.
- Frank, David, and Meyer, John, "The Profusion of Individual Roles and Identities in the Post-War Period." *Sociological Theory* 20(2002): 86-105.
- Freeman, Alwyn, *The International Responsibility of States for Denial of Justice*. Longmans, 1938.
- Friedman, Barry, "The History of the Counter-majoritarian Difficulty, Part One: The Road to Judicial Supremacy." *New York University Law Review*, 73(1998): 333-430.
- Fuchs, Martin, "Reaching Out; Or, Nobody Exists in One Context Only. Society as Translation." *Translation Studies* 2(1) (2009): 21-40.
- Fuller, Lon, *The Morality of Law*. Yale University Press, 1969.
- Geroski, Paul, "Models of Technology Diffusion." *Research Policy* 29 (4-5) (2000): 603-625.
- Gibson, James, "Judicial Institutions," in Binder, Sarah A., Rhodes, R. A. W., and Rockman Bert A. (eds.), *The Oxford Handbook of Political Institutions*. Oxford University Press, 2008: 514-534.
- Gillespie, John. *Transplanting Commercial Law Reform*. Ashgate, 2006.
- Gillespie, John, "Rethinking the Role of Judicial Independence in Socialist-Transforming East Asia." *International Comparative Law Quarterly* 56(3) (2007): 837-870.
- Gillespie, John, "The Role of State, Non-State and Hybrid Actors in Localizing Global Scripts in East Asia," in Gillespie, John, and Peerenboom, Randall (eds.), *Regulation in Asia: Pushing Back on Globalization*. Routledge, 2009.
- Gillespie, John, "Exploring the Limits of Judicial Review in Urban Land Disputes in Vietnam." *Law and Society Review* 45 (2) (2011): 241-275.

- Gillespie, John, "Re-Signifying Global Scripts in Networks of Meaning," in Gillespie, John, and Nicholson, Pip (eds.), *Law and Development and the Global Discourses of Legal Transfers*. Cambridge University Press, 2012.
- Ginsburg, Tom and Moustafa, Tamir, *Rule by Law*. Cambridge University Press, 2008.
- Gioia, Andrea, "Kosovo's Statehood and the Role of Recognition." *Italian Yearbook of International Law* 18(2008): 3–35.
- Golub, Jonathan, "Did the Luxembourg Compromise Have Any Consequences?" in Jean-Marie Palayret, Helen Wallace and Pascaline Winand (eds.), *Visions, Votes and Vetoes: The Empty Chair Crisis and the Luxembourg Compromise Forty Years On*. Brussels: P.I.E-Peter Lang, 2006: 279–300.
- Golub, Stephen, "A House Without a Foundation," in Carothers, Thomas (ed.), *Promoting the Rule of Law Abroad: In Search of Knowledge*. Carnegie Endowment for International Peace, 2006.
- Goodman, Ryan, and Jinks, Derek, "How to Influence States: Socialization and International Human Rights Law." *Duke Law Journal* 54(2004): 621–701.
- Gordley, James, "Comparative Legal Research: Its Function in the Development of Harmonized Law." *American Journal of Comparative Law* 43(1995): 555–565.
- Greif, Avner, *Institutions and the Path to the Modern Economy*. Cambridge University Press, 2006.
- Grimm, Dieter, "Gemeinsame Werte, globales Recht?," in Däubler-Gmelin, Herta, and Mohr, Irena (eds.), *Recht schafft Zukunft: Perspektiven der Rechtspolitik in einer globalisierten Welt*. Dietz, 2003.
- Grimm, Dieter, "Stufen der Rechtsstaatlichkeit: Zur Exportfähigkeit einer westlichen Errungenschaft." *Juristenzeitung* 12(2009): 596–599.
- Grimm, Dieter, "The Achievement of Constitutionalism and its Prospects in a Changed World," in Dobner, Petra, and Loughlin, Martin (eds.), *The Twilight of Constitutionalism*. Oxford University Press, 2010a.
- Grimm, Sonja, *Erzwungene Demokratie. Politische Neuordnung nach militärischer Intervention unter externer Aufsicht*. Nomos, 2010b.
- Gros, Jean-Germain, "Trouble in Paradise. Crime and Collapsed States in the Age of Globalization." *British Journal of Criminology* 43 (1) (2003): 63–80.
- Gupta, Poonam, Kleinfeld, Rachel, and Salinas, Gonzalo, *Legal and Judicial Reform in Europe and Central Asia*. World Bank Operations Evaluation Department, 2002.
- Habermas, Jürgen, *Legitimation Crisis*. Heinemann, 1976.
- Habermas, Jürgen, *The Theory of Communicative Action*. Vol. II. Beacon Press, 1987.
- Habermas, Jürgen, *Beyond Facts and Norms*. Cambridge University Press, 1996.
- Hafner, Gerhard, "Accountability of International Organizations." *Proceedings of the 97th Annual Meeting of the American Society of International Law* (2003): 236–240.
- Hafner-Burton, Emilie, "Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem," *International Organization* 62(2008): 689–716.
- Halberstam, Daniel, "Local, Global, and Plural Constitutionalism: Europe Meets the World," in de Búrca, Gráinne, and Weiler, Joseph (eds.), *The Worlds of European Constitutionalism*. Cambridge University Press, 2011.
- Halliday, Terence, and Carruthers, Bruce, "The Recursivity of Law: Global Norm Making and National Lawmaking in the Globalization of Corporate Insolvency Regimes." *American Journal of Sociology* 112(4) (2007): 1135–1202.
- Hallström, Kristina Tamm, "ISO Enters the Field of Social Responsibility (SR): Construction and Tension of Global Governance," in Schuppert, Gunnar Folke (ed.), *Global Governance and the Role of Non-State Actors*. Nomos, 2006: 117–156.

- Hammergren, Linn, *The Politics of Justice and Justice Reform in Latin America: The Peruvian Case in Comparative Perspective*. Westview Press, 1998.
- Hammergren, Linn, "International Assistance to Latin American Justice Programs," in Jensen, Erik and Heller, Thomas (eds.), *Beyond Common Knowledge: Empirical Approaches to the Rule of Law*. Stanford University Press, 2003: 290–335.
- Hammergren, Linn, "With Friends like These: Can the Multi-Lateral Development Banks Promote Institutional Development to Strengthen the Rule of Law?," in Perry-Kessaris, Amanda (ed.), *Law in Pursuit of Development: Principles into Practice?* Routledge, 2010: 202–223.
- Hancher, Leigh, and Moran, Michael (eds.), *Capitalism, Culture and Economic Regulation*. Clarendon, 1989.
- Harrison, Graham, *The World Bank and Africa: The Construction of Governance States*. Routledge, 2004.
- Hart, Herbert, *The Concept of Law*. Clarendon Press, 1961.
- Harvey, David, *A Brief History of Neo-Liberalism*. Oxford University Press, 2005.
- Hawkins, Darren, Lake, David, Nielson, Daniel, and Tierney, Michael (eds.), *Delegation and Agency in International Organizations*. Cambridge University Press, 2006.
- Heupel, Monika. "Multilateral Sanctions Against Terror Suspects and the Violation of Due Process Standards." *International Affairs* 85(2) (2009): 307–321.
- Hillgruber, Christian, "The Admission of New States to the International Community." *European Journal of International Law* 9(1998): 491–509.
- Hirsch, Moshe, "Interactions Between Investment and Non-Investment Obligations," in Muchlinski, Peter, Ortino, Federico, and Schreuer, Christoph (eds.), *The Oxford Handbook of International Investment Law*. Oxford University Press, 2008: 154–181.
- Holzinger, Katharina, Jörgens, Helge, and Knill, Christoph (eds.), *Transfer, Diffusion und Konvergenz von Politiken*. VS Verlag, 2007.
- Hook, Steven, "Building Democracy Through Foreign Aid: The Limitations of United States Political Conditionalities, 1992–1996." *Democratization* 5(3) (1998): 156–180.
- Hout, Wil, *The Politics of Aid Selectivity: Good Governance Criteria in World Bank, US and Dutch Development Assistance*. Routledge, 2007.
- Huber, Daniela, "Democracy Assistance in the Middle East and North Africa: A Comparison of US and EU Policies." *Mediterranean Politics* 13(1) (2008): 43–62.
- Hufen, Friedhelm, "Über Grundlagengesetze," in Schuppert, Gunnar Folke (ed.), *Das Gesetz als zentrales Steuerungsinstrument des Rechtsstaates*. Nomos, 1998.
- Hurd, Ian, *After Anarchy. Legitimacy and Power in the United Nations Security Council*. Princeton University Press, 2007.
- Hurwitz, Agnes and Reyko, Huang, *Civil War and the Rule of Law: Security, Development, Human Rights*, Lynne Rienner, 2008.
- Hutter, Bridget, "The Role of Non-State Actors in Regulation," in Schuppert, Gunnar Folke (ed.), *Global Governance and the Role of Non-State Actors*. Nomos, 2006.
- Ipsen, Nils Christian, *Private Normenordnungen als transnationales Recht?* Duncker & Humblot, 2009.
- ISO/IEC, Code of Good Practice for Standardization, first edition, 1994.
- Iqbal, Kazi and Anwar Shah, "How Do Worldwide Indicators Measure Up,?" Internet: <http://siteresources.worldbank.org/PSGLP/Resources/Howdoworldwidegovernanceindicatorsmeasureup.pdf> (World Bank, 2008).
- Jackson, Vicki, *Constitutional Engagement in a Transnational Era*. Oxford University Press, 2010.

- Jensen, Erik, "The Rule of Law and Judicial Reform: The Political Economy of Diverse Institutional Patterns and Reformers' Responses," in Jensen, Erik and Heller, Thomas (eds.), *Beyond Common Knowledge: Empirical Approaches to the Rule of Law*. Stanford University Press, 2003.
- Jessop, Bob, "Regulationist and Autopoieticist Reflections on Polanyi's Account of Market Economics and the Market Society." *New Political Economy* 6(2) (2001): 213–232.
- Jonsson, Anna, *Human Trafficking and Human Security*. Routledge Transnational Crime and Corruption Series 4. Routledge, 2009.
- Kara, Siddharth, *Sex Trafficking: Inside the Business of Modern Slavery*. Columbia University Press, 2009.
- Keck, Margaret, and Sikkink, Kathryn, *Activists Beyond Borders. Advocacy Networks in International Politics*. Cornell University Press, 1998.
- Keenan, Patrick, "The New Deterrence: Crime and Policy in the Age of Globalization." *Iowa Law Review* 91(2006): 505–560.
- Kelley, Judith, "New Wine in Old Wineskins: Promoting Political Reforms Through the New European Neighbourhood Policy." *Journal of Common Market Studies* 44(1) (2006): 29–55.
- Kelley, Judith, "Who Keeps International Commitments and Why? The International Criminal Court and Bilateral Nonsurrender Agreements." *American Political Science Review* 101 (3) (2007): 573–589.
- Kempadoo, Kamala, and Doezema, Jo, (eds.), *Global Sex Workers: Rights, Resistance, and Redefinition*. Routledge, 1998.
- Kepler, Elise, "Managing Peace and Justice in the Juba Process," in Onyango, J., and Wrangle, P. (eds.), *The International Criminal Court and the Juba Peace Process or Global Governance and Local Friction*. Fountain Publishers, 2012, forthcoming.
- Kerwer, Dieter, "Rules that Many Use: Standards and Global Regulation." *Governance* 18(2005): 611–632.
- Kilcullen, David, *The Accidental Guerilla: Fighting Small Wars in the Midst of a Big One*. Oxford University Press, 2009.
- Kingsbury, Benedict, Krisch, Nico, and Stewart, Richard, "The Emergence of Global Administrative Law." *Law and Contemporary Problems* 68(3) (2005): 15–61.
- Kingsbury, Benedict, and Schill, Stephan, "Investor-State Arbitration as Governance: Fair and Equitable Treatment, Proportionality and the Emerging Global Administrative Law." *International Law and Justice Working Papers* 2009/6(2009). Accessed 9 May 2010 at [www.iilj.org/publications/documents/2009-6.KingsburySchill.pdf](http://www.iilj.org/publications/documents/2009-6.KingsburySchill.pdf).
- Klabbers, Johannes Antonius Maria, Peters, Anne, and Ulfstein, Geir, *The Constitutionalization of International Law*. Oxford University Press, 2009.
- Kleinfeld, Rachel, "Competing Definitions of the Rule of Law," in Carothers, Thomas (ed.), *Promoting the Rule of Law Abroad: In Search of Knowledge*. Carnegie Endowment for International Peace, 2006.
- Kochenov, Dimity, *EU Enlargement and the Failure of Conditionality – Pre-Accession Conditionality in the Fields of Democracy and the Rule of Law*. Kluwer, 2008.
- Koh, Harold Hongju, "Transnational Legal Process." *Nebraska Law Review* 75(1) (1996): 181–207.
- Koremenos, Barbara, Lipson, Charles, and Snidal, Duncan, "The Rational Design of International Institutions." *International Organization* 55(4) (2001): 761–799.
- Koseki, Shoichi, *The Birth of Japan's Postwar Constitution*. Westview Press, 1998.
- Koskenniemi, Martti, *From Apology to Utopia: The Structure of International Legal Argument* (reissue with a new Epilogue ed.) Cambridge University Press, 2005.
- Krieger, Heike, *Das Effektivitätsprinzip im Völkerrecht*. Duncker & Humblot, 2000.

- Krisch, Nico, *Beyond Constitutionalism: The Pluralist Structure of Postnational Law*. Oxford University Press, 2010.
- Krisch, Nico and Kingsbury, Benedict, "Introduction: Global Governance and Global Administration Law in the International Legal Order." *European Journal of International Law*, 17 (1) (2006): 1–13.
- Krugman, Paul, "Ricardo's Difficult Idea – Why Some Intellectuals Don't Understand Comparative Advantage," in Cook, Gary (ed.), *The Economics and Politics of International Trade: Freedom and Trade: Volume II*. Routledge, 1998: 22–36.
- Krygier, Martin, "False Dichotomies, True Perplexities, and the Rule of Law," in Sajó, András (ed.), *Human Rights with Modesty – The Problem of Universalism*. Nijhoff, 2004: 251–277.
- Krygier, Martin, "Rule of Law: An Abusers Guide," in Sajó, András (ed.), *Abuse: The Dark Side of Fundamental Rights*. Eleven International Publishing Company, 2006.
- Krygier, Martin, "The Rule of Law and 'the Three Integrations.'" *Hague Journal on the Rule of Law* 1(2009): 21–27.
- Kuanpoth, Jakkrit, "Globalization and Civil Society in Thailand," in Gillespie, John and Peerenboom, Randall (eds.), *Regulation in Asia: Pushing Back on Globalization*. Routledge, 2009: 190–212.
- Kumm, Matthias, "The Cosmopolitan Turn in Constitutionalism: On the Relationship Between Constitutionalism In and Beyond the State," in Dunnof, Jeffrey, and Trachtman, Joel (eds.), *Ruling the World: International Law, Global Governance, Constitutionalism*. Cambridge University Press, 2009.
- Kunzelmann, Alexander, "An Australian International Law: The Impact of Australian Courts on the Fragmentation of International Law." *Australian Year Book of International Law* 225(27) (2008): 225–256.
- Lake, David, "Rightful Rules: Authority, Order, and the Foundations of Global Governance." *International Studies Quarterly* 54(3) (2010): 587–913.
- Lange, Bettina, "The Emotional Dimension in Legal Regulation." *Journal of Law and Society*. 29(1) (2002): 197–225.
- Langer, Maximo, "From Legal Transplants to Legal Translations: The Globalization of Plea Bargaining and the Americanization Thesis in Criminal Procedure." *Harvard International Law Journal* 45(1) (2004): 1–64.
- Lauterpacht, Hersch, *International Law and Human Rights*. Stevens, 1950.
- Lauth, Hans-Joachim, *Demokratie und Demokratiemessung. Eine konzeptionelle Grundlegung für den interkulturellen Vergleich*. VS Verlag, 2004.
- Lauth, Hans-Joachim, and Sehring, Jenniver, "Putting Deficient Rechtsstaat on the Research Agenda: Reflections on Diminished Subtypes." *Comparative Sociology* 8(2) (2009): 165–201.
- Legrand, Pierre, "What 'Legal Transplants,'" in Nelken, David and Feest, Johannes (eds.), *Adapting Legal Cultures*. Hart Publishing, 2001: 55–68.
- Lessig, Lawrence, "The Regulation of Social Meaning." *University of Chicago Law Review* 62(3) (1995): 943–1045.
- Levi, Margaret, and Sacks, Audrey, "Legitimizing Beliefs: Sources and Indicators." *Regulation and Governance* 3(2009): 311–333.
- Levi-Faur, David, "The Global Diffusion of Regulatory Capitalism." *Annals of the American Academy of Political and Social Science* 598(2005): 12–32.
- Licht, Amir, Goldschmidt, Chanan and Schwartz, Shalom, "Culture Rules: The Foundations of the Rule of Law and other Norms of Governance." *Journal of Comparative Economics* 35(2007): 659–688.

- Liese, Andrea, *Staaten am Pranger. Zur Wirkung internationaler Regime auf innerstaatliche Menschenrechtspolitik*. VS Verlag, 2006.
- Litwak, Robert, *Regime Change. US Strategy Through the Prism of 9/11*. Johns Hopkins University Press, 2007.
- Locher, Birgit *Trafficking in Women in the European Union: Norms, Advocacy-Networks and Policy-Change*. VS Verlag, 2007.
- López Medina, Diego Eduardo, *El Derecho de los Jueces*. Legis, 2006.
- Luhmann, Niklas, *Legitimation durch Verfahren*. Luchterhand, 1969.
- Luhmann, Niklas, "Operational Closure and Structural Coupling: The Differentiation of the Legal System." *Cardozo Law Review* 13(1992): 1419–1455.
- Lücke, Jörg, "Die Allgemeine Gesetzgebungsordnung." *Zeitschrift für Gesetzgebung* (2001): 1–49.
- Macdonald, Ronald St. John, and Johnston, Douglas, *Towards World Constitutionalism: Issues in the Legal Ordering of the World Community*. Martinus Nijhoff Publishers (Brill Publishers), 2005.
- Magen, Amichai, "The Rule of Law and its Promotion Abroad: Three Problems of Scope." *Stanford Journal of International Law* 45(2009): 51–115.
- Magen, Amichai, and McFaul, Michael, "Introduction: American and European Strategies to Promote Democracy – Shared Values, Common Challenges, Divergent Tools?," in Magen, Amichai, Risse, Thomas, and McFaul, Michael (eds.), *Promoting Democracy and the Rule of Law: American and European Strategies*. Palgrave (2009).
- Magen, Amichai, and Morlino, Leonardo (eds.), *International Actors, Democratization, and the Rule of Law. Anchoring Democracy?* Routledge, 2009a.
- Magen, Amichai, and Morlino, Leonardo, "Hybrid Regimes, the Rule of Law, and External Influence on Domestic Change," in Magen, Amichai, and Morlino, Leonardo (eds.), *International Actors, Democratization and the Rule of Law. Anchoring Democracy?* Routledge, 2009b: 1–25.
- Magliveras, Konstantinos, *Exclusion from Participation in International Organisations*. Kluwer, 1999.
- Majone, Giandomenico, "The Rise of the Regulatory State in Europe." *Western European Politics* 17(1994): 77–101.
- Maltzahn, Kathleen, *Trafficked, Briefings*. UNSW Press, 2008.
- Manders, Jonathan, "Sequencing Property Rights in the Context of Development: A Critique of the Writings of Hernando de Soto." *Cornell International Law Journal* 37(2004): 177–198.
- Mani, Rama, "Conflict Resolution, Justice and the Law: Rebuilding the Rule of Law in the Aftermath of Complex Political Emergencies." *International Peacekeeping* 5(3) (1998): 1–25.
- Mansfield, Edward, and Snyder, Jack, "The Sequencing 'Fallacy,'" *Journal of Democracy* 18(3) (2007): 6–22.
- Mansfield, Edwin, "Technical Change and the Rate of Imitation." *Econometrica* 29 (4) (1961): 741–766.
- March, James, and Olsen, Johan, "Institutional Perspectives on Political Institutions." *Governance* 9(1996): 247–264.
- Marko, Joseph, "The New Kosovo Constitution in a Regional Comparative Perspective." *Review of Central and East European Law* 22(2008): 437–450.
- Markovits, Inga, "Exporting Law Reform – But Will It Travel?" *Cornell International Law Journal* 37(2004): 95–114.
- Marshall, David and Inglis, Shelley, "The Disempowerment of Human Rights-Based Justice in the United Nations Mission in Kosovo." *Harvard Human Rights Journal* 16(2003): 95–146.



- Martins, Mark, "No Small Change of Soldiering: The Commander's Emergency Response Program (CERP) in Iraq and Afghanistan." *Army Lawyer* (March 2004): 1–20.
- Matheson, Michael, "United Nations Governance of Post-Conflict Societies." *American Journal of International Law* 95(2001): 76–85.
- Mattei, Ugo, and Nader, Laura, *Plunder: When the Rule of Law is Illegal*. Blackwell, 2008.
- Mayer, Arno, *Political Origins of the New Diplomacy, 1917–1918*. Yale University Press, 1959.
- Mearsheimer, John, *The Tragedy of Great Power Politics*. Norton, 2003.
- Mégret, Frédéric, "Too Much of a Good Thing? Implementation and the Uses of Complementarity," in Stahn, Carsten, and El-Zeidy, Mohamed (eds.), *The International Criminal Court and Complementarity: From Theory to Practice*. Cambridge University Press, 2011: 361–390.
- Mégret, Frédéric, and Hoffmann, Florian, "The UN as a Human Rights Violator? Some Reflections on the United Nations Changing Human Rights Responsibilities." *Human Rights Quarterly* 25(2003): 314–342.
- Merry, Sally Engle, *Human Rights and Gender Violence: Translating International Law into Local Justice*. University of Chicago Press, 2006a.
- Merry, Sally Engle, "New Legal Realism and the Ethnography of Transnational Law." *Law & Social Inquiry* 31(4) (2006b): 975–991.
- Merkel, Wolfgang, "The Consolidation of Post-Autocratic Regimes: A Multi-Level Model." *Democratization* 5(3) (1998): 33–67.
- Merkel, Wolfgang, "Embedded and Defective Democracies." *Special Issue of Democratization: Consolidated or Defective Democracy? Problems of Regime Change* 11(5) (2004): 33–58.
- Merkel, Wolfgang, and Puhle, Hans-Jürgen, *Von der Diktatur zur Demokratie. Entwicklungspfade erfolgreicher Transformationsprozesse*. Westdeutscher Verlag, 1999.
- Merkel, Wolfgang, Puhle, Hans-Jürgen, Croissant, Aurel, Eicher, Claudia and Thiery, Peter, *Defekte Demokratie, Vol. 1: Theorie*. Leske + Budrich, 2003.
- Merkel, Wolfgang, Puhle, Hans-Jürgen, Croissant, Aurel and Thiery, Peter, *Defekte Demokratie, Vol. 2: Regionalanalysen*. VS Verlag, 2006.
- Meyer, John, Boli, John, Thomas, George, and Ramirez, Francisco, "World Society and the Nation-State." *American Journal of Sociology* 103 (1) (1997): 144–81.
- Meyer, John, Frank, David, Hironaka, Ann, Schofer, Evan, and Tuma, Nancy, "The Structuring of a World Environmental Regime, 1870–1990." *International Organization* 51(4) (1997): 623–651.
- Michael, Lothar, "Private Standardsetter und demokratisch legitimierte Rechtsetzung," in Bauer, Hartmut, Huber, Peter, and Sommermann, Karl (eds.), *Demokratie in Europa*. Mohr Siebeck, 2005.
- Morlino, Leonardo and Magen, Amichai, "Methods of Influence, Layers of Impact, Cycles of Change," in Magen, Amichai, and Morlino, Leonardo (eds.), *International Actors, Democratization and the Rule of Law. Anchoring Democracy?* Routledge, 2009.
- Møller, Jørgen, and Skaaning, Svend-Erik, "Beyond the Radial Delusion: Conceptualizing and Measuring Democracy and Non-Democracy." *International Political Science Review* 31(2010a): 261–283.
- Möllers, Christoph, "Pouvoir constituant – Constitution – Constitutionalisation," in von Bogdandy, Armin, and Bast, Jürgen (eds.), *Principles of European Constitutional Law*. Hart Publishing, 2006: 183–226.
- Moore, Catherine, "The United States, International Humanitarian Law and the Prisoners at Guantanamo Bay." *International Journal of Human Rights* 7(2003): 1–27.

- Moravcsik, Andrew, *The Choice for Europe. Social Purpose and State Power from Messina to Maastricht*. Cornell University Press, 1998.
- Morina, Visar, "The Newly Established Constitutional Court in Post-Status Kosovo: Selected Institutional and Procedural Concern." *Review of Central and East European Law* 35(2010): 129–158.
- Müller, Thomas, and Pickel, Susanne, "Wie lässt sich Demokratie am besten messen? Zur Konzeptqualität von Demokratie-Indizes." *Politische Vierteljahresschrift* 48(3) (2007): 511–935.
- Munck, Gerardo, and Verkuilen, Jay, "Conceptualizing and Measuring Democracy: Evaluating Alternative Indices." *Comparative Political Studies* 35(1) (2002): 5–34.
- Nabli, Mustapha, and Nugent, Jeffrey, "The New Institutional Economics and Its Applicability to Development." *World Development* 17(1989): 1337–1343.
- Nanda, Ved, "The 'Good Governance' Concept Revisited." *Annals of the American Academy of Political and Social Science* 603(2006): 269–283.
- Narten, Jens, "Building Local Institutions and Parliamentarism in Post-War Kosovo: A Review of Joint Efforts by the UN and OSCE from 1999–2006." *Helsinki Monitor* 2(2006): 144–159.
- Neblo, Michael, "Thinking Through Democracy: Between the Theory and Practice of Deliberative Politics." *Acta Politica* 40(2005): 169–181.
- Newton, Scott, "Law and Development, Law and Economics and the Fate of Legal Technical Assistance," in Arnscheidt, Julia, Van Rooij, Benjamin, and Otto, Jan Michiel (eds.), *Lawmaking for Development: Explorations into the Theory and Practice of International Legislative Projects*. Leiden University Press, 2008: 23–52.
- Nicholson, Pip, and Pitt, Simon, "Official Discourses and Court Oriented Reform in Vietnam," in Gillespie, John, and Nicholson, Pip (eds.), *Law and Development and the Global Discourses of Legal Transfers*. Cambridge University Press, 2012, forthcoming.
- Nobleman, Eli, "American Military Government Courts in Germany." *Annals of the American Academy of Political and Social Science* 267(1950): 87–97.
- Nollkaemper, André, "The Internationalized Rule of Law." *Hague Journal on the Rule of Law* 1(2009): 74–78.
- Nolte, Georg, "Human Rights Protection Against International Institutions in Kosovo," in Dupuy, Pierre-Marie, Fassbender, Bardo, Shaw, Malcolm, and Sommermann, Karl-Peter (eds.), *Völkerrecht als Wertordnung/Common Values in International Law – Festschrift für Christian Tomuschat*. N. P. Engel, 2006: 245–258.
- Nolte, Georg, "'Zerfallende Staaten' und Grundsätze des Völkerrechts," in Beisheim, Marianne, and Schuppert, Gunnar Folke (eds.), *Staatszerfall und Governance*. Nomos, 2007: 174–193.
- Nolte, Georg, "Kulturelle Vielfalt als Herausforderung für das Völkerrecht." *Berichte der Deutschen Gesellschaft für Völkerrecht* 43(2008): 1–37.
- North, Douglass, *Institutions, Institutional Change and Economic Performance*, Cambridge University Press, 1990.
- North, Douglass, "Institutions." *Journal of Economic Perspectives* 5(1991): 97–112.
- North, Douglass, *Understanding the Process of Economic Change*. Princeton University Press, 2005.
- Nouwen, Sarah, "Complementarity in Uganda: Domestic Diversity or International Imposition?," in Stahn, Carsten, and El-Zeid, Mohamed (eds.), *The International Criminal Court and Complementarity: From Theory to Practice*. Cambridge University Press, 2011, 1120–1154.
- Nouwen, Sarah, *Complementarity in the Line of Fire: The Catalysing Effect of the International Criminal Court in Uganda and Sudan*. Cambridge University Press, 2012, forthcoming.

- Nouwen, Sarah, and Werner, Wouter, "Doing Justice to the Political: The International Criminal Court in Uganda and Sudan." *European Journal of International Law* 21(4) (2010): 941–965.
- Offner, John, "McKinley and the Spanish-American War." *Presidential Studies Quarterly* 34(1) (2004): 50–61.
- O'Neil, William, *Kosovo: An Unfinished Peace*. Lynne Rienner Publishers, 2002.
- Örücü, Esin, "Law as Transposition." *International & Comparative Law Quarterly* 51(2) (2002): 205–223.
- Österdahl, Inger, "International Countermeasures Against Human Trafficking," in Jonsson, Anna (ed.), *Human Trafficking and Human Security*. Routledge, 2009.
- Otim, Michael and Wierda, Marieke, "Justice at Juba: International Obligations and Local Demands in Northern Uganda," in Waddell, Nicholas, and Clark, Phil (eds.), *Courting Conflict? Justice, Peace and the ICC in Africa*. Royal African Society, 2008: 21–29.
- Otto, Jan Michiel, "Rule of Law, Adat Law and Sharia: 1901, 2001, and Monitoring the Next Phase." *Hague Journal on Rule of Law* 1(2009): 15–20.
- Pallis, Mark, "The Operation of UNHCR's Accountability Mechanism." *International Law and Politics* 37(4) (2005): 869–918.
- Parrot, Andrea, and Cummings, Nina, *Sexual Enslavement of Girls and Women Worldwide, Practical and Applied Psychology*. Praeger, 2008.
- Paulsson, Jan, *Denial of Justice in International Law*. Cambridge University Press, 2005.
- Peerenboom, Randall, *China's Long March toward Rule of Law*. Cambridge University Press, 2002.
- Peerenboom, Randall, "Human Rights and Rule of Law: What's the Relationship?" *Georgetown Journal of International Law* 36 (2005): 809–945.
- Peerenboom, Randall, *China Modernizes: Threat to the West or Model for the Rest?* Oxford University Press, 2007.
- Peerenboom, Randall, "The Future of the Rule of Law: Challenges and Prospects for the Field." *Hague Journal on the Rule of Law* 1(2009): 5–14.
- Peerenboom, Randall, *Judicial Independence in China: Lessons for Global Rule of Law Promotion*. Cambridge University Press, 2010a.
- Peerenboom, Randall, "The East Asian Model and the Sequencing Debate: Lessons from China and Vietnam," in Gillespie, John, and Chen, Albert (eds.), *Legal Reforms in China and Vietnam*. Taylor and Francis, 2010b.
- Peters, Anne, "Comparative Constitutionalism: The Function and Potential of Fundamental International Norms and Structures." *Leiden Journal of International Law* 19(2006): 579–610.
- Peters, Anne, "Humanity as the  $\Lambda$  and  $\Omega$  of Sovereignty." *European Journal of International Law* 20(2009): 513–544.
- Peters, Dirk, and Wagner, Wolfgang, "Die Europäische Union in den internationalen Beziehungen," in Holzinger, Katharina, Knill, Christoph, Dirk, Peters, Rittberger, Berthold, Schimmelfennig, Frank, and Wagner, Wolfgang (eds.), *Die Europäische Union. Theorien und Analysekonzepte*. Schöningh, 2005.
- Petersen, Niels, "The Principle of Democratic Teleology in International Law." *Brooklyn Journal of International Law* 34(2008): 33–84.
- Petersmann, Ernst-Ulrich, "International Rule of Law and Constitutional Justice in International Investment Law and Arbitration." *Indiana Journal of Global Legal Studies* 16(2009): 513–533.
- Petraeus, David, "Multinational Force-Iraq Commander's Counterinsurgency Guidance." *Military Review* (September–October 2008): 2–4.

- Post, Robert, "The Relatively Autonomous Discourse of Law," in Post, Robert (ed.), *Law and the Order of Culture*. University of California Press, 1991: vii–ix.
- Potter, Pitman, "Legal Reform in China: Institutions, Culture, and Selective Adaptation." *Law & Social Inquiry* 29(2) (2004): 465–495.
- Potter, Pitman, "Selective Adaptation and Institutional Capacity: Perspectives on Human Rights in China." *International Journal* 61(2) (2006): 389–410.
- Poulantzas, Nicos, *Political Power and Social Classes*. NLB and Sheed and Ward, 1973.
- Poulligny, Beatrice, "UN Peace Operations, INGOs, NGOs, and promoting the Rule of Law: Exploring the Intersection of International and Local Norms in Different Postwar Contexts." *Journal of Human Rights* 2(3) (2003): 359–377.
- Powell, Walter and DiMaggio, Paul, (eds.), *The New Institutionalism in Organizational Analysis*. University of Chicago Press, 1991.
- Pregent, Richard, "Building Rule of Law Capacity in Iraq." *Israel Yearbook on Human Rights* 40(2010a): 159–181.
- Puddington, Arch, "Freedom in Retreat: Is the Tide Turning? Findings of Freedom in the World 2008." *Freedom House*, 2008. Available at [www.freedomhouse.org/uploads/fiw08launch/FIW08Overview.pdf](http://www.freedomhouse.org/uploads/fiw08launch/FIW08Overview.pdf).
- Rajagopal, Balakrishnan, *International Law from Below: Development, Social Movements and Third World Resistance*. Cambridge University Press, 2003.
- Rana, Raj, "Contemporary Challenges in the Civil-Military Relationship: Complementarity or Incompatibility?" *International Review of the Red Cross* 86(855) (2004): 565–591.
- Rawls, John, *A Theory of Justice*. Belknap Press of Harvard University Press, 1971.
- Raz, Joseph, "The Rule of Law and its Virtue," in Raz, Joseph, *The Authority of Law*. Oxford University Press, 1979.
- Raz, Joseph (ed.), *Authority*. Blackwell, 1990.
- Reiling, Dory. *Technology for Justice: How Information Technology Can Support Judicial Reform*. Leiden University Press, 2009.
- Reitz, John, "Export of the Rule of Law." *Transnational Law and Contemporary Problems* 13(2003): 429–486.
- Renn, Joachim, *Übersetzungsverhältnisse. Perspektiven einer pragmatistischen Gesellschaftstheorie*. Velbrück Wissenschaft, 2006.
- Reus-Smit, Christian, "The Politics of International Law," in Reus-Smit, Christian (ed.), *The Politics of International Law*. Cambridge University Press, 2004: 14–44.
- Ribeira, Ivan, "Robin Hood vs. King John Redistribution: How Do Local Judges Decide Cases in Brazil?" Draft paper on file with author (2006).
- Richmond, Oliver, and Franks, Jason, "Liberal Hubris? Virtual Peace in Cambodia." *Security Dialogue* 38(1) (2007): 27–48.
- Risse, Thomas, Ropp, Stephen, and Sikkink, Kathryn, *The Power of Human Rights: International Norms and Domestic Change*. Cambridge University Press, 1999.
- Rittberger, Volker, Nettesheim, Martin, Huckel, Carmen and Göbel, Thorsten, "Introduction: Changing Patterns of Authority," in Rittberger, Volker and Nettesheim, Martin, (eds.), *Authority in the Global Political Economy*. Palgrave Macmillan, 2008.
- Röder, Tilmann, "Little Steps Forward: Some Remarks on the Rome Conference on the Rule of Law in Afghanistan." *Max Planck UNYB* 11(2007): 307–312.
- Rodríguez-Garavito, César, "Toward a Sociology of the Global Rule of Law Field: Neoliberalism, Neoconstitutionalism, and the Contest over Judicial Reform in Latin America," in Dezalay, Yves, and Garth, Bryant (eds.), *Lawyers and the Transnationalization of the Rule of Law*, forthcoming. Available at <http://www.cesarrodriguez.net/docs/articulos/towardsociology.pdf>.

- Rodrik, Dani, "Growth Strategies." *Working Paper 10050 NBER Working Paper Series*. Cambridge MA USA, October 2003. Accessed 28 May 2011 at <http://www.nber.org/~rosenbla/econ302/lecture/rodrick.pdf>.
- Rodrik, Dani, "Goodbye Washington Consensus, Hello Washington Confusion? A Review of the World Bank's Economic Growth in the 1990s: Learning from a Decade of Reform." *Journal of Economic Literature* 44 (4) (2006): 973–987.
- Rodrik, Dani, *One Economics, Many Recipes: Globalization, Institutions, and Economic Growth*. Princeton University Press, 2007.
- Rogers, Everett, *Diffusion of Innovations*. Free Press, 1983.
- Root, Elihu, "The Basis of Protection of Citizens Residing Abroad." *American Journal of International Law* 4(1910): 517–528.
- Ross, Jacqueline, "Impediments to Transnational Cooperation in Undercover Policing: A Comparative Study of the United States and Italy." *American Journal of Comparative Law* 52(3) (2004): 569–624.
- Rudolf, Beate, "Is 'Good Governance' a Norm of International Law?," in Dupuy, Pierre-Marie, Fassbender, Bardo, Shaw, Malcolm N., and Sommermann, Karl-Peter (eds.), *Völkerrecht als Wertordnung/Common Values in International Law – Festschrift für Christian Tomuschat*. N. P. Engel, 2006: 1007–1028.
- Ruffert, Matthias and Walter, Christian, *Institutionalisiertes Völkerrecht*. C. H. Beck, 2009.
- Ruggie, John, *Constructing the World Polity*. Routledge, 1998.
- Santos, Alvaro, "The World Bank's Uses of the 'Rule of Law' Promise in Economic Development," in Trubek, David and Santos, Alvaro (eds.). *The New Law and Economic Development: A Critical Appraisal*. Cambridge University Press, 2006.
- Sartori, Giovanni, "Concept Misinformation in Comparative Politics." *American Political Science Review* 64(4) (1970): 1033–1053.
- Sassen, Saskia, *Territory, Authority, Rights: From Medieval to Global Assemblages*. Princeton University Press, 2006.
- Saxenian, Anna Lee, "Taiwan's Hsinchu Region: Imitator and Partner for Silicon Valley," in Bresnahan, Timothy, and Gambardella, Alfonso (eds.), *Building High-Tech Clusters: Silicon Valley and Beyond*. Cambridge University Press, 2004: 190–228.
- Scarpa, Silvia, *Trafficking in Human Beings: Modern Slavery*. Oxford University Press, 2008.
- Scelle, Georges, "Théorie du Gouvernement International." *Annuaire de l'Institut international de droit public* 41(1935): 41–112.
- Schabas, William, "Prosecutorial Discretion v. Judicial Activism at the International Criminal Court." *Journal of International Criminal Justice* 6(4) (2008): 731–761.
- Scharpf, Fritz, "Legitimationskonzepte jenseits des Nationalstaates," in Schuppert, Gunnar Folke, Pernice, Ingolf and Haltern, Ulrich (eds.), *Europawissenschaft*. Nomos, 2005.
- Schepel, Harm, *The Constitution of Private Governance: Product Standards in the Regulation of Integrating Markets*. Hart Publishing, 2005. University Press 2009.
- Schill, Stephan, "Fair and Equitable Treatment, the Rule of Law, and Comparative Public Law," in Schill, Stephan (ed.), *International Investment Law and Comparative Public Law*, Oxford University Press 2010, 151–182.
- Schimmelfennig, Frank, "Introduction: The Impact of International Organizations on the Central and Eastern European States – Conceptual and Theoretical Issues," in Linden, Ronald (ed.), *Norms and Nannies: The Impact of International Organizations in the Central and Eastern European States*. Rowman & Littlefield, 2002.
- Schimmelfennig, Frank, *The EU, NATO and the Integration of Europe: Rules and Rhetoric*. Cambridge University Press, 2003.

- Schimmelfennig, Frank, "Competition and Community: Constitutional Courts, Rhetorical Action, and the Institutionalization of Human Rights in the European Union." *Journal of European Public Policy* 13(8) (2006): 1247–1264.
- Schimmelfennig, Frank, "Europeanization Beyond Europe. Living Reviews in European Governance." *Living Reviews in European Governance* (2009).
- Schimmelfennig, Frank, Engert, Stefan, and Knobel, Heiko, *International Socialization in Europe. European Organizations, Political Conditionality and Democratic Change*. Palgrave Macmillan, 2006.
- Schimmelfennig, Frank, and Sedelmeier, Ulrich, "Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe." *Journal of European Public Policy* 11(4) (2004): 661–679.
- Schocken, Celina, "The Special Court for Sierra Leone: Overview and Recommendations." *Berkeley Journal of International Law* 20(2002): 436–461.
- Schorkopf, Frank, *Die Massnahmen der XIV EU-Mitgliedstaaten gegen Österreich*. Springer, 2002.
- Schultz, Tammy and Merill, Susan, "From Bullets to Ballots," in Brinkerhoff, Derick (ed.), *Governance in Post-Conflict Societies*. Routledge, 2007.
- Schumpeter, Joseph, *Capitalism, Socialism and Democracy*. Harper & Brothers, 1942.
- Schuppert, Gunnar Folke, "Gute Gesetzgebung: Bausteine einer kritischen Gesetzgebungslehre." *Sonderheft 2003 der Zeitschrift für Gesetzgebung (ZG)* (2003).
- Schuppert, Gunnar Folke, "Governance im Spiegel der Wissenschaftsdisziplinen," in Schuppert, Gunnar Folke (ed.), *Governance-Forschung: Vergewisserung über Stand und Entwicklungslinien*. 2nd ed. Nomos, 2006.
- Schuppert, Gunnar Folke, "Rule of Law als Grundelement Politischer Kultur," in Schuppert, Gunnar Folke (ed.), *Politische Kultur*. Nomos, 2008.
- Schuppert, Gunnar Folke, *Governance und Rechtsetzung: Grundfragen einer modernen Regelungswissenschaft*. Nomos, 2010b.
- Schuppert, Gunnar Folke, *Staat als Prozess: Eine staatsrechtliche Skizze in sieben Aufzügen*. Campus Verlag, 2010c.
- Schwartz, Herman, "Dependency or Institutions? Economic Geography, Causal Mechanisms, and Logic in the Understanding of Development." *Studies in Comparative International Development* 41(1) (2007): 115–135.
- Schwebel, Stephen Myron, "The United States 2004 Model Bilateral Investment Treaty and Denial of Justice in International Law," in Binder, Christina, Kriebaum, Ursula, Reinisch, August, and Wittich, Stephan (eds.), *International Investment Law for the 21st Century – Essays in Honour of Christoph Schreuer*. Oxford University Press, 2009.
- Scott, Colin, "Regulation in the Age of Governance: The Rise of the Post-Regulatory State," in Jordana, Jacint, and Levi-Faur, David (eds.), *The Politics of Regulation: Institutions and Regulatory Reforms for the Age of Governance*. Edward Elgar Publishing, 2004: 145–174.
- Scott, Richard, *Organizations: Rational, Natural and Open Systems*. Prentice-Hall, 2003.
- Scott, Richard, Ruef, Martin, Mendel, Peter, and Caronna, Carol, *Institutional Change and Healthcare Organizations: From Professional Dominance to Managed Care*. University of Chicago Press, 2000.
- Sedra, Mark, "Security Sector Reform in Afghanistan: The Slide Towards Expediency." *International Peacekeeping* 13(2006): 94–110.
- Senden, Linda, *Soft Law in European Community Law*. Hart Publishing, 2004.
- Shelley, Louise, "Identifying, Counting and Categorizing Transnational Criminal Organizations." *Transnational Organized Crime* 5 (1) (1999): 1–18.

- Shelley, Louise, "Human Security and Human Trafficking," in Jonsson Anna (ed.), *Human Trafficking and Human Security*. Routledge, 2009.
- Shihata, Ibrahim, *The World Bank Inspection Panel: In Practice*. Oxford University Press, 2000.
- Silbey, Susan, "After Legal Consciousness." *Annual Review of Law and Social Science* 1(2005): 323–368.
- Simma, Bruno, "Grundfragen der Staatenverantwortlichkeit in der Arbeit der International Law Commission." *Archiv des Völkerrechts* 24(1985): 357–407.
- Simmons, Beth, *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge University Press, 2009.
- Simmons, Beth, Dobbin, Frank, and Garrett, Geoffrey, "Introduction: The International Diffusion of Liberalism." *International Organization* 60(4) (2006): 781–810.
- Simmons, Beth, Dobbin, Frank, and Garrett, Geoffrey (eds.), *The Global Diffusion of Markets and Democracy*. Cambridge University Press, 2008.
- Simpson, Gerry, *Great Powers and Outlaw States – Unequal Sovereigns in the International Legal Order*. Cambridge University Press, 2004.
- Skaaning, Svend-Erik, "Measuring the Rule of Law." *Political Research Quarterly* 63(2) (2010): 449–460.
- Skowronek, Stephen, *Building a New American State: The Expansion of National Administrative Capacities, 1877–1920*. Cambridge University Press, 1982.
- Slaughter, Anne-Marie, "A Typology of Transjudicial Communication." *Richmond University Law Review* 29(1994): 99–137.
- Slaughter, Anne-Marie, "Governing the Global Economy Through Government Networks," in Byers, Michael (ed.), *The Role of Law in International Politics: Essays in International Relations and International Law*. Oxford University Press, 2000.
- Slaughter, Anne-Marie, *A New World Order*. Princeton University Press, 2004.
- Smith, Karen, "The Evolution and Application of EU Membership Conditionality," in Cremona, Marise (ed.), *Enlargement of the European Union*. Oxford University Press, 2003: 105–139.
- Smits, Jan, "Import and Export of Legal Models: The Dutch Experience." *Transnational Law and Contemporary Problems* 13(2003): 551–573.
- Smrkolj, Maja, "International Institutions and Individualized Decision-Making: An Example of UNHCR's Refugee Status Determination." *German Law Journal* 9(11) (2008): 1779–1803.
- Stahn, Carsten, *The Law and Practice of International Territorial Administration – Versailles to Iraq and Beyond*. Cambridge University Press, 2008.
- Stein, Tine, "Global Social and Civil Entrepreneurs: An Answer to the Poor Performance of Global Governance?" *WZB Discussion Paper SP IV 2008–304*. Wissenschaftszentrum Berlin, 2008.
- Stephen, Matthew, and Zürn, Michael, "The View of Old and New Powers on the Legitimacy of International Institutions." *Politics* 30(2010): 91–101.
- Stephen, Matthew, "The Commission on Legal Empowerment for the Poor: An Opportunity Missed." *Hague Journal on Rule of Law* 1(2009): 132–155.
- Strohmeier, Hansjörg, "Collapse and Reconstruction of a Judicial System: The United Nations Missions in Kosovo and East Timor." *American Journal of International Law* 95(2001a): 46–63.
- Strohmeier, Hansjörg, "Making Multilateral Interventions Work: The UN and the Creation of Transitional Justice Systems in Kosovo and East Timor." *Fletcher Forum of World Affairs* 107(2001b): 107–128.

- Stromseth, Jane, "Justice on the Ground: Can International Criminal Courts Strengthen Domestic Rule of Law in Post-Conflict Societies?" *Hague Journal on Rule of Law* 1(2009): 87–97.
- Stromseth, Jane, Wippman, David and Brooks, Rosa, *Can Might Make Rights? Building the Rule of Law After Military Interventions*. Cambridge University Press, 2006.
- Stone Sweet, Alec, and Brunell, Thomas, "Constructing a Supranational Constitution: Dispute Resolution and Governance in the European Community." *American Political Science Review* 92(1) (1998): 63–81.
- Stone Sweet, Alec, and Sandholtz, Wayne, "European Integration and Supranational Governance." *Journal of European Public Policy* 4(3) (1997): 297–317.
- Suchman, Mark, "Managing Legitimacy: Strategic and Institutional Approaches." *Academy of Management Review* 20(3) (1995): 571–610.
- Summers, Robert, "The Principles of the Rule of Law." *Notre Dame Law Review* 74(75) (1999): 1691–1712.
- Suzuki, Eisuke, and Nanwani, Suresh, "Responsibility of International Organizations: The Accountability Mechanisms of Multilateral Development Banks." *Michigan Journal of International Law* 27(1) (2005): 177–225.
- Tamanaha, Brian, *On the Rule of Law. History, Politics, Theory*. Cambridge University Press, 2004.
- Tasikas, Vasilios, "Developing the Rule of Law in Afghanistan: The Need for a New Strategic Paradigm." *The Army Lawyer* (July 2007): 45–60.
- Taylor, Veronica, "New Markets, New Commodity: Japanese Legal Technical Assistance." *Wisconsin International Law Journal* 23(2005): 251–281.
- Taylor, Veronica, "The Law Reform Olympics: Measuring the Effects of Law Reform in Transition Economies," in Lindsey, Tim (ed.), *Law Reform in Developing and Transitional States*. Routledge, 2007: 83–105.
- Taylor, Veronica, "Frequently Asked Questions About Rule of Law Assistance (And Why Better Answers Matter)." *Hague Journal on Rule of Law* 1(2009): 46–52.
- Teitel, Ruti and Howse, Robert, "Cross-Judging: Tribunalization in a Fragmented but Interconnected Global Order." *New York University Journal of International Law & Politics* 41(2009): 959–990.
- Teubner, Gunther, "Breaking Frames. The Global Interplay of Legal and Social Systems." *American Journal of Comparative Law* 45(1997a): 149–169.
- Teubner, Gunther, "Global Bukowina: Legal Pluralism in the World Society," in Teubner, Gunther (ed.), *Global Law Without a State*. Ashgate, 1997b: 3–38.
- Teubner, Gunter, "Legal Irritants: Good Faith in British Law or How Unifying Law Ends up in New Divergences." *Modern Law Review* 61(1) (1998): 11–32.
- Thachuk, Kimberley, *Transnational Threats: Smuggling and Trafficking in Arms, Drugs, and Human Life*. Praeger Security International, 2007.
- Thomas, George, Meyer, John, Ramirez, Francisco, and Boli, John (eds.), *Institutional Structure: Constituting State, Society, and the Individual*. Sage, 1987.
- Thompson, Robert, *Defeating Communist Insurgency: The Lesson of Malaya and Vietnam*. Praeger, 1966.
- Thürer, Daniel, "The 'Failed State' and International Law." *International Review of the Red Cross* 81(836) (1999): 731–761.
- Tietje, Christian, *Internationalisiertes Verwaltungshandeln*. Duncker & Humblot, 2001.
- Tietje, Christian, "Transnationales Wirtschaftsrecht aus öffentlich-rechtlicher Perspektive." *Zeitschrift für Vergleichende Rechtswissenschaft* 101(2002): 404–420.
- Tomuschat, Christian, "Das Völkerrecht ist kein Zweiklassenrecht. Der Irak-Krieg und seine Folgen." *Vereinte Nationen* 51(2) (2003): 41–46.



- Tomuschat, Christian, "Der fremdenrechtliche Mindeststandard im Völkerrecht," in Merten, Detlef, and Papier, Hans-Jürgen (eds.), *Handbuch der Grundrechte in Deutschland und Europa, Band VI/2*. C. F. Müller, 2009.
- Trebilcock, Michael and Daniels, Ronald, *Rule of Law Reform and Development: Charting the Fragile Path of Progress*. Edward Elgar Publishing, 2008.
- Tripp, Charles, "The United States and state-building in Iraq." *Review of International Studies* 30(2004): 545–558.
- Trubek, David, "The Rule of Law in Development Assistance: Past, Present, Future." University of Wisconsin-Madison (2003). Available at <http://www.law.wisc.edu/facstaff/trubek/RuleofLaw.pdf>.
- Trubek, David, "The 'Rule of Law' in Development Assistance: Past, Present and Future," in Trubek, David and Santos, Alvaro (eds.), *The New Law and Economic Development: A Critical Appraisal*. Cambridge University Press, 2006: 74–95.
- Trubek, David, "The Political Economy of the Rule of Law: The Challenge of the New Developmental State." *Hague Journal on the Rule of Law* 1 (01) (2009): 28–32.
- Trubek, David, Cottrell, Patrick, Nance, Mark, "'Soft Law', 'Hard Law' and European Integration: Toward a Theory of Hybridity," in de Búrca, Gráinne, and Scott, Joanne (eds.), *New Governance and Constitutionalism*. Hart Publishing, 2005: 1–41.
- Trubek, David and Galanter, Marc, "Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States." *Wisconsin Law Review* (1974): 1062–1083.
- Trubek, David, and Santos, Alvaro (eds.), *The New Law and Economic Development: A Critical Appraisal*. Cambridge University Press, 2006.
- Tsai, Kellee, *Capitalism Without Democracy: Politics of Private Sector Development in China*. Cornell University Press, 2007.
- Tshuma, Lawrence, "The Political Economy of the World Bank's Legal Framework," in Faundez, Julio, Footer, Mary, and Norton, Joseph (eds.), *Governance, Development and Globalization*. Blackstone Press, 2000: 7–27.
- Turner, Jackie, and Kelly, Liz, "Trade Secrets: Intersections Between Diasporas and Crime Groups in the Constitution of the Human Trafficking Chain." *British Journal of Criminology* 49 (2) (2009): 184–201.
- Tyler, Tom, "Psychological Perspectives on Legitimacy and Legitimizing." *Annual Review of Psychology* 57(2006): 375–400.
- Twining, William, "Diffusion of Law: A Global Perspective." *Journal of Legal Pluralism and Unofficial Law* 49(1) (2004): 1–47.
- Udall, Lori, *The World Bank Inspection Panel: A Three Year Review*. Washington DC: Bank Information Center, 1997.
- Udombana, Nsongurua, "Globalization of Justice and Special Court for Sierra Leone's War Crimes." *Emory International Law Review* 17(2003): 56–132.
- Upham, Frank, "From Demsetz to Deng: Speculations on the Source." *New York University Journal of International Law and Politics* 41(3) (2009): 522–602.
- Upham, Frank, "Who Will Find the Defendant if He Strays with His Sheep? Justice in Rural China." *Yale Law Journal* 114(7) (2005): 1675–1718.
- Uprimny, Rodrigo, Rodríguez, Cesar and García, Mauricio, *Justicia para Todos? Sistema judicial, derechos sociales y democracia en Colombia*. Grupo Norma, 2006.
- Vachudová, Milada Anna, *Europe Undivided: Democracy, Leverage, and Integration Since 1989*. Oxford University Press, 2005.
- Vanderlinden, Jacques, "Return to Legal Pluralism: Twenty Years Later." *Journal of Legal Pluralism and Unofficial Law* 28(1989): 149–152.

- Von Struensee, Vanessa, "Sex Trafficking: A Plea for Action." *European Law Journal* 6 (4) (2000): 379–407.
- Waldron, Jeremy, *Law and Disagreement*. Oxford University Press, 1999.
- Waldron, Jeremy, "The Concept and the Rule of Law." *Georgia Law Review* 43(2008): 1–61.
- Waldron, Jeremy, "Representative Lawmaking." *Boston University Law Review* 89(2009): 335–355.
- Waltz, Kenneth. *Theory of International Politics*. McGraw-Hill, 1979.
- Warkotsch, Alexander, "Non-Compliance and Instrumental Variation in EU Democracy Promotion." *Journal of European Public Policy* 15(2) (2008).
- Warren, Marc, "The 'Fog of Law': The Law of Armed Conflict in Operation Iraqi Freedom," in Pedrozo, Raul (ed.), *The War in Iraq: A Legal Analysis*. Naval War College Press, Department of the Navy, 2010: 167–206.
- Watson, Alan, "Legal Change: Sources of Law and Legal Culture." *University of Pennsylvania Law Review* 131(1983): 1126–1157.
- Watts, Arthur, "The International Rule of Law." *German Yearbook of International Law* 36(1993): 15–45.
- Weissbrodt, David, "Due Process, Rule of Law, and Habeas Corpus," in Forsythe, David (ed.), *Encyclopedia of Human Rights*, Vol. II. Oxford University Press, 2009.
- Wendt, Alexander, "Driving with the Rearview Mirror: On the Rational Science of Institutional Design." *International Organization* 55(4) (2001): 1019–1049.
- Wennerström, Erik, *The European Union and the Rule of Law*. Iustus Förlag, 2007.
- William, Thomas, *Child Trafficking: An Unconscious Phenomenon*. Kanishka Publishers Distributors, 2008.
- Woods, Ngaire and Narlikar, Amrita, "Governance and the Limits of Accountability: The WTO, the IMF, and the World Bank." *International Social Science Journal* 53(170) (2001): 569–583.
- Xu, Zhangrun, "Western Law in China: Transplantation or Transformation – Four Cases and Liang Shuming's Responses," *Social Sciences in China* 25(2004): 134–151.
- Youngs, Richard, "European Union Democracy Promotion Policies: Ten Years On." *European Foreign Affairs Review* 6(3) (2001): 355–373.
- Zajac Sannerholm, Richard, "Legal, Judicial and Administrative Reforms in Post-Conflict Societies: Beyond the Rule of Law Template." *Journal of Conflict & Security Law* 12(1) (2007): 65–94.
- Zanger, Sabine, "Good Governance and European Aid. The Impact of Political Conditionality." *European Union Politics* 1(3) (2000): 293–317.
- Zangl, Bernhard, "Judicialisierung als Bestandteil internationaler Rechtsherrschaft: Theoretische Debatten," in Zangl, Bernhard (ed.), *Auf dem Weg zu internationaler Rechtsherrschaft: Streitbeilegung zwischen Politik und Recht*. Campus Verlag, 2010.
- Zangl, Bernhard, and Zürn, Michael, "Make Law not War: Internationale und transnationale Verrechtlichung als Baustein für Global Governance," in Zangl, Bernhard, and Zürn, Michael (eds.), *Verrechtlichung: Baustein für Global Governance?* Dietz, 2004.
- Zhang, Sheldon, *Smuggling and Trafficking in Human Beings: All Roads Lead to America*. Praeger, 2007.
- Ziemke, Earl, "Improvising Stability and Change in Postwar Germany," in Wolfe, Robert (ed.), *Americans as Proconsuls: United States Military Government in Germany and Japan, 1944–1952*. Southern Illinois University Press, 1984.
- Zürn, Michael, "Global Governance and Legitimacy Problems." *Government and Opposition* 39(2) (2004): 260–287.

- Zürn, Michael, "Global Governance," in Schuppert, Gunnar Folke (ed.), *Governance-Forschung*. 2nd ed. Nomos, 2006.
- Zürn, Michael and Ecker-Ehrhardt, Matthias (eds.), *Gesellschaftliche Politisierung und internationale Institutionen*. Suhrkamp, 2011.
- Zürn, Michael, and Neyer, Jürgen, "Conclusions – The Conditions of Compliance," in Zürn, Michael, and Joerges, Christian(eds.), *Law and Governance in Postnational Europe*. Cambridge University Press, 2005: 183–217.
- Zürn, Michael and Stephen, Matthew, "The View of Old and New Powers on the Legitimacy of International Institutions." *Politics* 30(2010): 91–101.

## REPORTS AND INDEXES

- Agrast, Mark David, Botero, Juan Carlos, and Ponce-Rodríguez, Alejandro, "The Rule of Law Index: Measuring Adherence to the Rule of Law Around the World. Design and Implementation of the Index Country Profiles for 2009." The World Justice Project. Presented at the World Justice Forum III, Vienna, Austria, 12 November 2009. Available at <http://www.worldjusticeproject.org/sites/default/files/World%20Justice%20Forum%2011%20-%20Rule%20of%20Law%20Index%20Report.pdf>.
- Agrast, Mark David, Botero, Juan Carlos, Ponce-Rodríguez, Alejandro and Dumas, Claudia, "The World Justice Project Rule of Law Index: Measuring Adherence to the Rule of Law Around the World." The World Justice Project. Presented at the World Justice Forum, Vienna, Austria, 3 July 2008. Available at [http://www.lexisnexis.com/documents/pdf/20080828015427\\_large.pdf](http://www.lexisnexis.com/documents/pdf/20080828015427_large.pdf).
- Barnes, Catherine, and Griffiths, Aaron, "Powers of Persuasion: Incentives, Sanctions and Conditionality in Peacemaking." *Conciliation Resources*, Issue 19(2008). Available at [http://www.humansecuritygateway.com/documents/accord\\_powers\\_of\\_persuasion\\_incentives\\_sanctions\\_conditionality\\_peacemaking.pdf](http://www.humansecuritygateway.com/documents/accord_powers_of_persuasion_incentives_sanctions_conditionality_peacemaking.pdf).
- Bertelsmann Stiftung (ed.), *Bertelsmann Transformation Index 2003. Auf dem Weg zur marktwirtschaftlichen Demokratie*. Bertelsmann Stiftung, 2003. Available at <http://www.bertelsmann-transformation-index.de>.
- Bertelsmann Stiftung (ed.), *Bertelsmann Transformation Index 2006. Auf dem Weg zur marktwirtschaftlichen Demokratie*. Bertelsmann Stiftung, 2006. Available at <http://www.bertelsmann-transformation-index.de>.
- Bertelsmann Stiftung (ed.), *Bertelsmann Transformation Index 2008. Auf dem Weg zur marktwirtschaftlichen Demokratie*. Bertelsmann Stiftung, 2008. Available at <http://www.bertelsmann-transformation-index.de>.
- Bertelsmann Stiftung (ed.), *Bertelsmann Transformation Index 2010. Auf dem Weg zur marktwirtschaftlichen Demokratie*. Bertelsmann Stiftung, 2010. Available at <http://www.bertelsmann-transformation-index.de>.
- Borch, Fred, "The Rule of Law and Judge Advocates: A Short History," in Center for Law and Military Operations, *Rule of Law Handbook: A Practitioner's Guide for Judge Advocates*. The Judge Advocate General's Legal Center & School, U.S. Army, 2008. Available at [http://www.loc.gov/r/frd/Military\\_Law/pdf/rule-of-law\\_2010.pdf](http://www.loc.gov/r/frd/Military_Law/pdf/rule-of-law_2010.pdf).
- Bühlmann, Marc, Merkel, Wolfgang, Müller, Lisa, Giebler, Heiko, and Wessels, Bernhard, "Democracy Barometer: Methodology. Blueprint Sample. Data for 30 Countries from 1995 to 2005." Version 1, January 2011. Available at [http://www.democracybarometer.org/baroapp/files/luw/ore/ika/Methodical.Explanatory.Note.JAN\\_2011.pdf](http://www.democracybarometer.org/baroapp/files/luw/ore/ika/Methodical.Explanatory.Note.JAN_2011.pdf).
- Carothers, Thomas, *Aiding Democracy Abroad: The Learning Curve*. Carnegie Endowment for International Peace, 1999.

- Carothers, Thomas, "Promoting the Rule of Law Abroad: The Problem of Knowledge." *Rule of Law Series Working Paper 34*. Carnegie Endowment for International Peace (2003).
- Carothers, Thomas, *Critical Mission. Essays on Democracy Promotion*. Carnegie Endowment for International Peace, 2004.
- Carothers, Thomas, *Revitalizing Democracy Assistance: The Challenge of USAID*. The Carnegie Endowment for International Peace, 2009a.
- Center for Policy and Human Development, "Afghanistan Human Development Report: Bridging Modernity and Tradition: Rule of Law and the Search of Justice" (2007). Available at <http://hdr.undp.org/en/reports/nationalreports/asiathepacific/afghanistan/nhdr2007.pdf>.
- Channell, Wade, "Lessons Not Learned About Legal Reform," in Carothers, Thomas (ed.), *Promoting the Rule of Law Abroad: In Search of Knowledge*. Carnegie Endowment for International Peace, 2006.
- Evers, Frank, "OSCE Efforts to promote the Rule of Law." *Working Paper 20*, Centre for OSCE Research (March 2010). Accessed 22 April 2010 at [http://www.core-hamburg.de/documents/CORE\\_Working\\_Paper\\_20.pdf](http://www.core-hamburg.de/documents/CORE_Working_Paper_20.pdf).
- Finkel, Steven E., Pérez-Liñán, Aníbal, Seligson, Mitchell A., and Azpuru, Dinorah, "Effects of U.S. Foreign Assistance on Democracy-Building. Results of a Cross-National Quantitative Study." Final Report. United States Agency for International Development (USAID), Vanderbilt University and University of Pittsburgh, 2006. Available at [http://www.pitt.edu/~politicsdemocracydownloadsUSAID\\_Democracy\\_Assistance\\_and\\_its\\_Impact\\_on\\_Democratization\\_v34.pdf](http://www.pitt.edu/~politicsdemocracydownloadsUSAID_Democracy_Assistance_and_its_Impact_on_Democratization_v34.pdf).
- Gorove, Katherine, and Nachbar, Thomas (eds.), *Rule of Law Handbook: A Practitioner's Guide for Judge Advocates*. The Judge Advocate General's Legal Center & School, US Army (2008).
- Gross, Eva, "Security Sector Reform in Afghanistan: The EU's Contribution." *European Union Institute for Security Studies Occasional Paper 78*(2009). Available at <http://www.iss.europa.eu/uploads/media/op78.pdf>.
- Hammergren, Linn, "Corruption in Ethiopia's Justice Sector: A Preliminary Overview." Draft report prepared for World Bank Office in Addis Ababa, Ethiopia, 2009.
- Hardegger, Sascha, "Cimic-Doktrin im Spannungsfeld zwischen humanitärer Hilfe und militärischer Krisenintervention." *Eidgenössische Technische Hochschule Zürich/ Center for International Studies* 41(2003). Available at <http://e-collection.library.ethz.ch/eserv/eth:26228/eth-26228-01.pdf>.
- Heupel, Monika, and Zürn, Michael, "Internationale Organisationen und der Schutz fundamentaler Rechte von Individuen – Skizze eines Forschungsprojekts." *WZB Discussion Paper SP IV 2010–303*, Wissenschaftszentrum Berlin (2010).
- Heyland, Bjorn, Morne, Kalle, and Willumsen, Fredrik, "Be Careful When Doing Business." Report commissioned by the Norwegian Ministry of Foreign Affairs, 2008. Available at <http://www.ifwatchnet.org>.
- Hewko, John, "Foreign Direct Investment: Does Rule of Law Matter?" *Rule of Law Series Working Paper 26*. Carnegie Endowment for International Peace, 2002.
- Kahler, Miles. *International Institutions and the Political Economy of Integration*. Brookings Institution Press, 1995.
- Kapur, Devesh, and McHale, John. *Give Us Your Best and Brightest: The Global Hunt for Talent and its Impact on the Developing World*. Center for Global Development, 2005.
- Kilcullen, David, "Three Pillars of Counterinsurgency." Remarks delivered at the U.S. Government Counterinsurgency Conference, Washington, DC, 28 September 2006. Available at [http://www.au.af.mil/au/awc/awcgate/uscoin/3pillars\\_of\\_counterinsurgency.pdf](http://www.au.af.mil/au/awc/awcgate/uscoin/3pillars_of_counterinsurgency.pdf).

- Kleinfeld, Rachel, "Competing Definitions of the Rule of Law. Implications for Practitioners." *Carnegie Papers, Rule of Law Series, No. 55* (2005).
- Maisuradze, Tamuna, "People Power: Jury Trials to Come to Georgia." *Caucasus Investigative Reporting Center*, Newsletter May 2006. Available at <http://www.circ.ge/news.php?lan=en&newsid=EEuZukkVVpcvRLVrly&pageid=newsletter>.
- Muharremi, Robert, Peci, Lulcim, Malazogu, Leon, Knaus, Verena and Murati, Teuta, *Administration and Governance in Kosovo: Lessons Learned and Lessons to be Learnt*. Kosovar Institute for Policy Research and Development, 2005.
- Mückenberger, Ulrich, "Civilizing Globalism: Transnational Norm-Building Networks – A Research Programme." *GIGA Working Papers* Nr. 90(2008).
- Olsen, Howard and Davis, John, *Training U.S. Army Officers for Peace Operations: Lessons from Bosnia*. Special Report. United States Institute of Peace, 1999. Available at <http://www.usip.org/files/resources/sr991029.pdf>.
- Ogola, Florence, "Uganda Victims Question ICC's Balance." *Institute for War and Peace Reporting*, 14 June 2010.
- Pregent, Richard, "Rule of Law Capacity Building in Iraq," in Pedrozo, Raul (ed.), *The War in Iraq: A Legal Analysis*. Naval War College Press, Department of the Navy, 2010b: 323–348.
- Prugh, George. *Law at War: Vietnam 1964–1973*. Department of the Army, 1975.
- Spector, Bertram, Winbourne, Svetlana and Beck, Laurence, "Corruption in Kosovo: Observations and Implications for USAID." Final Report submitted to the United States Agency for International Development, 10 July 2003.
- Sumner, Andy, "Global Poverty and the New Bottom Billion: What if Three-Quarters of the World's Poor Live in Middle-Income Countries?" Working paper in draft (2010). Available at <http://www.ids.ac.uk/go/idspublication/global-poverty-and-the-new-bottom-billion>.
- Thiery, Peter, Sehring, Jenniver and Muno, Wolfgang, "Wie misst man Recht?" Paper presented at the meeting of the DVPW working group "Demokratieforschung," together with the GTZ on "Rule of Law Compliance – Regelbefolgung im Kontext von Kultur, Institution und Akteur," 10–12 June 2010.
- Upham, Frank, "Mythmaking in the Rule of Law Orthodoxy." *Carnegie Endowment for International Peace Working Papers*, No. 30, 2002.
- Vieira de Mello, Sergio, "How Not to Run a Country: Lessons from Kosovo and East Timor" (2000). UNITAR-IPS-JIIA Conference to Assess the Report on UN Peace Operations, Singapore, February 2001.
- Williamson, John, "What Washington Means by Policy Reform," in Williamson, John (ed.), *Latin American Adjustment: How Much Has Happened*. Institute for International Economics, 1990.
- Wojkowska, Ewa, *Doing Justice: How Informal Justice Systems Can Contribute*. UNDP, Oslo Governance Centre, 2006.
- Youngs, Richard (ed.), *Survey of European Democracy Promotion Policies 2000–2006*. FRIDE, 2006.

## TREATIES, CONVENTIONS, AND OTHER LEGISLATIVE DOCUMENTS

- Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions (Bonn Agreement) of 5 December 2001.
- American Convention on Human Rights of 22 November 1969, entered into force on 18 July 1978, OAS Treaty Series No. 36.

- Charter of the Association of Southeast Asian Nations of 27 November 2007.
- Coalition Provisional Authority, "Penal Code" CPA CPA/ORD/9 (2003).
- Constitution of the Mexican United States.
- Constitution of the Republic of Uganda (1995).
- Constitutive Act of the African Union of 11 July 2000.
- Convention (IV) Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, entered into force on 21 October 1950, 75 UNTS 287.
- Convention Against Transnational Organized Crime (UNTOC) and the Protocols on Trafficking in Persons and Smuggling of Migrants, by UNGA Resolution 55/25 of 15 November 2000.
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, approved by UNGA Resolution 317 (IV) of 2 December 1949, entered into force on 25 July 1951.
- Convention for the Suppression of the Traffic in Women and Children, signed in Geneva on 30 September 1921, entered into force on 15 June 1922.
- Convention on the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, entered into force on 3 September 1953, ETS no. 5.
- Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations, UNGA Resolution 2625 of 24 October 1970, UN Doc. A/RES/2625.
- General Agreement on Trade and Tariffs of 1 January 1948.
- General Framework Agreement for Peace in Bosnia and Herzegovina of 21 November 1995, entered into force on 14 December 1995 (GFAP).
- Hague Conventions of 18 October of 1907, entered into force on 26 January 1910.
- International Criminal Court Bill, XCVII(26), *Uganda Gazette*, 28 May 2004.
- Inter-American Democratic Charter of 11 September 2001.
- International Agreement for the Suppression of White Slave Traffic, 18 May 1904, 35 Stat. 426, 1 LNTS 83.
- International Covenant on Civil and Political Rights of 16 December 1966, entered into force on 23 March 1976, 999 UNTS 171.
- Lomé IV Convention, signed in Mauritius on 4 November 1995.
- National Defense Authorization Act for Fiscal Year 2006. Pub. L. No. 109-163, 119 Stat. 3136, 3455-56.
- North America Free Trade Agreement (NAFTA), entered into force on 1 January 1994.
- Partnership Agreement Between the Members of the African, Caribbean and Pacific Group of States, of the one Part, and the European Community and its Member States, of the Other Part ("Cotonou Agreement") (2000), Official Journal L317/3 of 15 December 2000, as revised (2005) Official Journal L209/27 of 11 August 2005.
- Protocol of Washington of 1991, reprinted in *International Legal Materials* 33(1994), 1005.
- Rome Statute of the International Criminal Court of 17 July 1998, entered into force on 1 July 2002, 2187 UNTS 90.
- Statute of the Council of Europe of 5 May 1949, ETS no. 1.
- Treaty on the European Union (2008), *Official Journal C/115*.
- Ugandan Amnesty Act (2000).
- Ugandan Amnesty (Amendment) Bill (2003).
- Ugandan Geneva Conventions Act (1964).
- Ugandan International Criminal Court Act (2010).
- Ugandan Penal Code Act (1950).

Ugandan Peoples' Defence Forces Act (2005).  
 Ugandan Ratification of Treaties Act (1998).

U.N. DOCUMENTS AND OTHER INTERNATIONAL ORGANIZATION  
 DOCUMENTS

- 2005 World Summit Outcome, UNGA Resolution 60/1 of 24 October 2005, UN Doc. A/RES/60/1.
- Asian Development Bank, "Governance: Sound Development Mechanisms." August 1995. Accessed 28 March 2010 at <http://www.adb.org/Documents/Policies/Governance/default.asp>.
- Commission of the European Communities, "European Neighbourhood Policy, Strategy Paper." COM (2004) 373 final, 12 May 2004: 3. Accessed 20 April 2010 at [http://ec.europa.eu/world/enp/pdf/strategy/strategy\\_paper\\_en.pdf](http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf).
- Commission on Legal Empowerment of the Poor, *Making the Law Work for Everyone*, Vol. 1. Commission on Legal Empowerment of the Poor and UNDP, 2008.
- Council of Europe, "Directorate of Co-operation." Accessed 14 April 2010 at [www.coe.int/t/dghl/overview\\_cooperation\\_en.asp](http://www.coe.int/t/dghl/overview_cooperation_en.asp).
- Council of Europe, "Human Rights and Legal Affairs." Accessed 14 April 2010 at [www.coe.int/t/dghl/default\\_en.asp](http://www.coe.int/t/dghl/default_en.asp).
- Council of Europe, "Our Objectives." Accessed 15 April 2010 at [www.coe.int/aboutCoe/index.asp?page=nosObjectifs&l=en](http://www.coe.int/aboutCoe/index.asp?page=nosObjectifs&l=en).
- Council of Europe Committee of Ministers, "The Council of Europe and the Rule of Law – An Overview, Ministers' Deputies CM Documents." CM (2008)170, 21 November 2008. Accessed 20 April 2010 at [http://www.coe.int/t/e/legal\\_affairs/legal\\_co-operation/fight-against-terrorism/3\\_codexter/working\\_documents/2008/CM%282008%29170%20en.pdf](http://www.coe.int/t/e/legal_affairs/legal_co-operation/fight-against-terrorism/3_codexter/working_documents/2008/CM%282008%29170%20en.pdf).
- Council of the European Union, "Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO."
- Council of the European Union, "EU Common Security and Defence Policy (CSDP), Overview of the Missions and Operations of the European Union April 2010." Accessed 22 April 2010 at <http://www.consilium.europa.eu/showPage.aspx?id=268&lang=EN>.
- Dakolias, Maria. "The Judicial Sector in Latin America and the Caribbean: Elements of Reform." World Bank Technical Paper No. 319. World Bank, 1996.
- Directorate-General for External Policies of the European Union, "Consolidating the EU's Crisis Management Structures: Civil–Military Coordination and the Future of the EU OHQ." (2010).
- ECOWAS, Protocol on Democracy and Good Governance, Protocol Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention Management, Resolution, Peacekeeping and Security, adopted on 10 December 1999.
- EULEX Kosovo, "European Union Rule of Law Mission." Accessed 20 April 2010 at <http://www.eulex-kosovo.eu/?id=1>.
- EULEX Kosovo, "Programme Report 2010: Building Sustainable Change Together" (2010). Available at <http://www.eulex-kosovo.eu/docs/tracking/EULEX%20Programme%20Report%202010%20.pdf>.
- European Commission for Democracy through Law ('Venice Commission'), Report on the Rule of Law, adopted by the Venice Commission at its 86th plenary session, Venice, 25–26 March 2011, CDL-AD(2011)003rev.
- European Commission for Democracy through Law ('Venice Commission'), "Draft Report on the Notion of 'Good Governance' on the Basis of Comments by O. Kask and A. Eide." Study No. 470/2008, CDL(2008)091 (8 October 2008).

- European Commission, Kosovo Under UNSCR 1244/99 2009 Progress Report, 2009: 9.
- European Council in Copenhagen, "Conclusions of the Presidency." 21–22 June 1993: 12–16. Accessed 20 April 2010 at [www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/72921.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/72921.pdf).
- Fritz, Verena, Kaiser, Kai and Levy, Brian, *Problem-Driven Governance and Political Economy Analysis*. World Bank, 2009.
- HRC, Report of 14 August 2006, UN Doc. CCPR/C/UNK/CI/1.
- Inter-American Development Bank, "Modernization of the State Report," July 2003. Accessed 28 March 2010 at <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=1441783>.
- International Commission on Intervention and State Sovereignty, "The Responsibility to Protect." Accessed 12 March 2010 at <http://www.iciss.ca/report-en.asp>.
- ISAF, "ISAF Commander's Counterinsurgency Guidance" (2009). Available at <http://smallwarsjournal.com>.
- Jenkins, Rhys, "Corporate Codes of Conduct: Self-Regulation in a Global Economy." *United Nations Research Institute for Social Development. Programme Paper No. 2* (April 2001).
- Kaufmann, Daniel, and Kraay, Aart, "Governance Indicators: Where Are We, Where Should We Be Going?" *The World Bank Research Observer* 23(1) (2008): 1–30.
- Kaufmann, Daniel, Kraay, Aart, and Mastruzzi, Massimo, "Worldwide Governance Indicators Project: Answering the Critics." World Bank Policy Research Working Paper No. 4149. World Bank (2007a).
- Kaufman, Daniel, Kraay, Aart, and Mastruzzi, Massimo, "Governance Matters VI: Governance Indicators for 1996–2006." Policy Research Working Paper. The World Bank Development Research Group (2007b). Available at <http://ssrn.com/abstract=999979>.
- Kaufmann, Daniel, Kraay, Aart, and Mastruzzi, Massimo, "Governance Matters VIII, Aggregate and Individual Governance Indicators 1996–2008." Policy Research Working Paper. The World Bank Development Research Group (2009). Accessed 22 April 2010 at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1424591](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1424591).
- Knack, Stephen, "Measuring Corruption in Eastern Europe and Central Asia: A Critique of the Cross-Country Indicators." World Bank Policy Research Working Paper No. 3968. World Bank (2006).
- Naples Political Declaration and Global Action Plan against Organized Transnational Crime, UNGA Resolution 49/159 of 23 December 1994, UN Doc. A/RES/49/1590.
- NATO, "Allied Joint Publication 9: NATO Civil–Military Co-Operation Doctrine." AJP-9 (2003).
- NATO, "Allied Joint Doctrine for Civil–Military Cooperation (Study Draft 3)." AJP-9(A) (2003).
- NATO Military Council, "MC 411/1 – NATO Military Policy on Civil–Military Co-operation" (2001).
- OAS, "Declaration of Santiago on Democracy and Public Trust: A New Commitment to Good Governance for the Americas." Adopted on 10 June 2003. OAS Doc. AG/DEC.31 (XXXIII-O/03).
- OECD-DAC, The Paris Declaration on Aid Effectiveness the Accra Agenda for Action, 2005.
- OHCHR, "Human Rights Committee." Accessed 20 April 2010 at <http://www2.ohchr.org/english/bodies/hrc/index.htm>.
- OHCHR, "Universal Periodic Review." Accessed 20 April 2010 at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>.
- OSCE, "Conflicting Jurisdiction in Property Disputes" (2003).
- OSCE, "Field Operations." Accessed 14 April 2010 at <http://www.osce.org/about/13510.html>.
- OSCE, "Human Rights and Rule of Law: Remedies Catalogue" (2003).



- OSCE, "Office for Democratic Institutions and Human Rights." Accessed 14 April 2010 at <http://www.osce.org/odihr/13479.html>.
- OSCE, "Office for Democratic Institutions and Human Rights, Independence of the Judiciary." Accessed 15 April 2010 at <http://www.osce.org/odihr/36363.html>.
- OSCE, "Office for Democratic Institutions and Human Rights, Legislationline.org." Accessed 21 April 2010 at <http://www.osce.org/odihr/13462.html>.
- OSCE, *OSCE Human Dimension Commitments, Volume 1, Thematic Compilation*, 2nd ed. (2005).
- OSCE, "OSCE Mission in Bosnia and Herzegovina." Accessed 7 April 2010 at [http://www.oscebih.org/oscebih\\_eng.asp](http://www.oscebih.org/oscebih_eng.asp).
- OSCE, "OSCE Mission in Kosovo." Accessed 7 April 2010 at <http://www.osce.org/kosovo/>.
- OSCE, "Secretariat – Strategic Police Matters Unit." Accessed 14 April 2010 at <http://www.osce.org/spmu/publications.html>.
- PACE Order No. 488 (1993) on the Honouring of Commitments Entered into by New Member States, 26 June 1993.
- PACE Order No. 508 (1995) of 26 April 1995.
- PACE Recommendation 1444 (2000) of 27 January 2000.
- PACE Recommendation 1456 (2000) of 6 April 2000.
- PACE Resolution 1102 (1996) of 1 of 7 November 1996.
- PACE Resolution 1221 (2000) of 29 June 2000.
- PACE Resolution 1727 (2010) of 29 April 2010.
- Pact on Security, Stability and Development in the Great Lakes Region, reprinted in *International Legal Materials* 46(2007).
- Peace and Security Council decision adopted at the 216th meeting of 19 February 2010, PSC/PR/COMM.1(CCXVI).
- Peace and Security Council decision adopted at the 216th meeting of 19 February 2010, PSC/PR/COMM.2(CCXVI).
- Phillips, William, "Civil–Military Cooperation: Vital to Peace Implementation in Bosnia." *NATO Review – Web ed.* 46(1) (1998): 22–25.
- Posner, Richard, "Creating a Legal Framework for Economic Development." *World Bank Research Observer* 13(1) (1998): 1–11.
- Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, 23 August 2004, UN Doc. S/2004/616.
- Report of the Secretary-General on the Strengthening the rule of law to the UNGA, 20 July 2000, UN Doc. A/49/512.
- Report of the United Nations Secretary-General on the United Nations Interim Administration in Kosovo, 12 June 1999, UN Doc. S/1999/799.
- Report on the International Responsibility by Mr. F.V. Garcia Amador, Special Rapporteur, UN Doc. A/CN.4/96, YBILC 1956, Vol. II.
- Resolution on the Suspension of the Right of Honduras to Participate in the OAS, adopted at the second plenary session, held on July 4, 2009, and reviewed by the Style Committee, Organization of American States General Assembly, AG/RES. 2 (XXXVII-E/09).
- Second Annual Report of the Secretary-General on Strengthening and Coordinating United Nations Rule of Law Activities, 20 August 2010, UN Doc. A/65/318.
- Security Council Debate on The Promotion and Strengthening of the Rule of Law in the Maintenance of International Peace and Security, 29 June 2010, UN Doc. S/PV.6347.
- The Rule of Law at the National and International Levels: Comments and Information Received from Governments, Report of the Secretary-General of 11 July 2007, UN Doc. A/62/121.

- UNAMA and ISAF Southern Region Partners Coordination Board (RC-South), "A Common and Operational Approach to Rule of Law for Southern Afghanistan" (2009), unpublished.
- UNAMA, "Suicide Attacks in Afghanistan (2001–2007)" (2007). Available at <http://www.unhcr.org>.
- UN Approach to Rule of Law Assistance, Guidance Note of the Secretary-General, April 2008.
- UNCHR, General Comment No. 29 on States of Emergency (Article 4), UN Doc. CCPR/C/21/Rev.1/Add.11 of 31 August 2001.
- UNCHR Resolution 2000/64. Accessed 28 March 2010 at <http://www2.ohchr.org/english/bodies/chr/regular-sessions.htm>.
- UNCHR Resolution 2001/72. Accessed 28 March 2010 at <http://www2.ohchr.org/english/bodies/chr/regular-sessions.htm>.
- UNCHR Resolution 2002/76. Accessed 28 March 2010 at <http://www2.ohchr.org/english/bodies/chr/regular-sessions.htm>.
- UNCHR Resolution 2004/70. Accessed 28 March 2010 at <http://www2.ohchr.org/english/bodies/chr/regular-sessions.htm>.
- UNCHR Resolution 2005/68. Accessed 28 March 2010 at <http://www2.ohchr.org/english/bodies/chr/regular-sessions.htm>.
- UN DPKO, "Civil-Military Coordination in UN Integrated Peacekeeping Missions (UN-CIMIC)" (2006).
- UN DPKO, "OSCE Permanent Council Decision No. 305 1999 and Letter Exchanged between Ambassador Kim Traavik, Head of the OSCE Department and Bernard Miyet," 19 July 1999.
- UNDP, "Governance for Sustainable Development." Accessed 28 March 2010 at <http://mirror.undp.org/magnet/policy/>.
- UN DPKO, "Policy on Civil-Military Coordination" (2002).
- UNGA Resolution 55/383 of 2 November 2000, UN Doc. A/55/383.
- UNMIK Administrative Direction No. 2006/18 of 28 December 2006, implementing UNMIK Administrative Direction No. 2007/7 of 3 August 2007, amending UNMIK Administrative Direction No. 2006/18.
- UNMIK Regulation No. 1999/1 of 25 July 1999, UN Doc. UNMIK/REG/1999/1.
- UNMIK Regulation No. 1999/5 of 4 September 1999, UN Doc. UNMIK/REG/1999/5.
- UNMIK Regulation No. 1999/7 of 7 September 1999, UN Doc. UNMIK/REG/1999/7.
- UNMIK Regulation No. 1999/23 of 15 November 1999, UN Doc. UNMIK/REG/1999/23.
- UNMIK Regulation No. 1999/24 of 12 December 1999, UN Doc. UNMIK/REG/1999/24.
- UNMIK Regulation No. 2000/6 of 15 February 2000, UN Doc. UNMIK/REG/2000/6.
- UNMIK Regulation No. 2000/38 of 30 June 2000, UN Doc. UNMIK/REG/2000/38.
- UNMIK Regulation No. 2000/60 of 31 October 2000, UN Doc. UNMIK/REG/2000/60.
- UNMIK Regulation No. 2000/64 of 15 December 2004, UN Doc. UNMIK/REG/2000/64.
- UNMIK Regulation No. 2001/9 of 15 May 2001, UN Doc. UNMIK/REG/2001/9.
- UNMIK Regulation No. 2006/12 of 23 March 2006, UN Doc. UNMIK/REG/2006/12.
- UNMIK Regulation No. 2006/25, UN Doc. UNMIK/DIR/2006/18.
- UNMIK Regulation No. 2006/25 of 27 April 2006, UN Doc. UNMIK/REG/2006/25.
- UNODC, *Global Report on Trafficking of Persons*, February 2009.
- UNODC, "Legal Tools." Accessed 14 April 2010 at <http://www.unodc.org/unodc/en/legal-tools/index.html?ref=menuaside>.
- UN, "Peacekeeping Resource Hub." Accessed 13 April 2010 at <http://www.peacekeepingbestpractices.unlb.org/PBPS/Pages/Public/Home.aspx>.

- UN, "United Nations Peacekeeping." Accessed 20 April 2010 at <http://www.un.org/en/peacekeeping/>.
- United Nations Rule of Law, "Rule of Law Coordination and Resource Group." Accessed 21 April 2010 at [http://www.unrol.org/article.aspx?article\\_id=6](http://www.unrol.org/article.aspx?article_id=6).
- United Nations Rule of Law, "United Nations Development Programme (UNDP)." Accessed 13 April 2010 at [http://www.unrol.org/article.aspx?article\\_id=13](http://www.unrol.org/article.aspx?article_id=13).
- United Nations Rule of Law, "United Nations Rule of Law Depository." Accessed 13 April 2010 at <http://www.unrol.org/dr.aspx>.
- United Nations Rule of Law, "What is the Rule of Law?" Accessed 15 April 2010 at [http://www.unrol.org/article.aspx?article\\_id=3](http://www.unrol.org/article.aspx?article_id=3).
- Uniting our Strengths: Enhancing United Nations Support for the Rule of Law, Report of the Secretary-General of 14 December 2006, UN Doc. S/2006/980.
- UNSC Resolution 865 of 22 September 1993, UN Doc. S/RES/865.
- UNSC Resolution 897 of 4 February 1994, UN Doc. S/RES/897.
- UNSC Resolution 1244 of 10 June 1999, UN Doc. S/RES/1244.
- UNSC Resolution 1265 of 17 September 1999, UN Doc. S/RES/1265.
- UNSC Resolution 1272 of 25 October 1999, UN Doc. S/RES/1272.
- UNSC Resolution 1386 of 20 December 2001, UN Doc. S/RES/1386.
- UNSC Resolution 1483 of 22 May 2003, UN Doc. S/RES/1483.
- UNSC Resolution 1605 of 17 June 2005, UN Doc. S/RES/1605.
- UNSC Resolution 1610 of 30 June 2005, UN Doc. S/RES/1610.
- UNSC Resolution 1620 of 31 August 2005, UN Doc. S/RES/1620.
- UNSC Resolution 1658 of 14 February 2006, UN Doc. S/RES/1658.
- UNSC Resolution 1662 of 23 March 2006, UN Doc. S/RES/1662.
- UNSC Resolution 1702 of 15 August 2006, UN Doc. S/RES/1702.
- UNSC Resolution 1739 of 10 January 2007, UN Doc. S/RES/1739.
- UNSC Resolution 1750 of 30 March 2007, UN Doc. S/RES/1750.
- UNSC Resolution 1756 of 15 May 2007, UN Doc. S/RES/1756.
- UNSC Resolution 1778 of 25 September 2007, UN Doc. S/RES/1778.
- UNSC Resolution 1794 of 21 December 2007, UN Doc. S/RES/1794.
- UNSC Resolution 1806 of 20 March 2008, UN Doc. S/RES/1806.
- UNSC Resolution 1807 of 31 March 2008, UN Doc. S/RES/1807.
- UNSC Resolution 1838 of 7 October 2008, UN Doc. S/RES/1838.
- UNSC Resolution 1846 of 2 December 2008, UN Doc. S/RES/1846.
- UNSC Resolution 1856 of 22 December 2008, UN Doc. S/RES/1856.
- UNSC Resolution 1857 of 22 December 2008, UN Doc. S/RES/1857.
- UNSC Resolution 1880 of 30 July 2009, UN Doc. S/RES/1880.
- UNSC Resolution 1892 of 13 October 2009, UN Doc. S/RES/1892.
- UNSC Resolution 1896 of 30 November 2009, UN Doc. S/RES/1896.
- UNSC Resolution 1897 of 30 November 2009, UN Doc. S/RES/1897.
- UNSC Resolution 1918 of 27 April 2010, UN Doc. S/RES/1918.
- UNTAET Regulation 1999/1 on the Authority of the Transitional Administration in East Timor of 27 November 1999.
- Walsh, Barry, *In Search of Success: Case Studies in Justice Sector Development in Sub-Saharan Africa*. World Bank, 2010.
- World Bank, *Accelerated Development in Sub Saharan Africa: An Agenda to Action*. World Bank, 1981.
- World Bank, "Governance & Anti-Corruption." Accessed 18 November 2009 at <http://www.worldbank.org/wbi/governance/>.

- World Bank, "Implementation Completion Report on a Loan in the Amount of US\$ 58 Million to the Russian Federation for a Legal Reform Project." Report No. 36549, June 28 2006.
- World Bank, "Law and Justice Institutions." Accessed 13 April 2010 at <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTINST/0,,contentMDK:20746118~menuPK:1980807~pagePK:210058~piPK:210062~theSitePK:1974062,00.html>.
- World Bank, "Weights Used to Construct the Worldwide Governance Indicators for 1996–2008." Accessed 18 November 2008 at <http://info.worldbank.org/governance/wgi/resources.htm>.
- World Bank, "Worldwide Governance Indicators: Links to the Individual WGI Sources." Accessed 18 November 2009 at <http://info.worldbank.org/governance/wgi/sources.htm>.
- World Bank, "Worldwide Governance Indicators: The Worldwide Governance Indicators (WGI) Project." Accessed 18 November 2009 at <http://info.worldbank.org/governance/wgi/index.asp>.

## CASES

- Agreement on Accountability and Reconciliation Between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement, Juba, 29 June 2007 (Accountability Agreement)
- Advisory Opinion on Judicial Guarantees During States of Exception*, Inter-American Court of Human Rights, Series A No. 9, 6 October 1987.
- Annexure to the Agreement on Accountability and Reconciliation, Juba, 19 February 2008.
- Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States of America)*, International Court of Justice, Merits, Judgment of 27 June 1986, ICJ Reports 1986.
- Claude-Reyes et al. v. Chile*, Merits, Reparations and Costs. Inter-American Court of Human Rights, Judgment of September 19, 2006. Series C No. 151.
- Golder v. United Kingdom*, European Court of Human Rights, Application No. 4451/70, Judgment of 21 February 1975, Series A No. 18.
- ICC, Pre Trial Chamber II, "Situation in the Republic of Kenya, Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya." Dissenting Opinion Judge Hans-Peter Kaul, 31 March 2010, ICC-01/09–19.
- Island of Palmas Arbitration*, Award of Sole Arbitrator Max Huber, 4 February 1928, RIAA Vol. II, 821.
- John Magezi, Judy Obitre-Gama, Henry Onoria versus Attorney-General*, Constitutional Court (Uganda), Constitutional Petition No. 10, 27 July 2005.
- Juridical Condition and Rights of the Undocumented Migrants*, Inter-American Court of Human Rights, Advisory Opinion OC-18 of September 17, 2003, Series A No. 18.
- Las Palmeras v. Colombia*, Merits, Inter-American Court of Human Rights, Judgment of December 6, 2001. Series C No. 90.
- Malone v. the United Kingdom*, European Court of Human Rights, Judgement of 2 August 1984, A/82.
- Mike Campbell (Pvt) Ltd and Others v. Republic of Zimbabwe*, Southern Africa Development Community Tribunal, Decision of 18 November 2008, reprinted in *International Legal Materials* 48(2009): 534.
- Mondev International Ltd v. United States of America*, Award of 11 October 2002, 6 ICSID Reports 19.

- Prosecutor v. Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen*, Submission of Information on the Status of the Warrants of Arrest in Uganda, International Criminal Court, ICC-02/04-01/05-116, OTP, 6 October 2006.
- United States – Section 211 Omnibus Appropriations Act of 1998*, WTO Appellate Body, WT/DS176/AB/R of 2 January 2002.
- Winterwerp v. the Netherlands*, European Court of Human Rights, Judgement of 25 October 1979, A33.
- Zondi v. MEC for Traditional and Local Government Affairs and Others*, Constitutional Court of South Africa, 2005 (3) SA 589 (CC), Ngcobo J.

## OTHER DOCUMENTS

- “African Union Bars Guinea on Coup,” *BBC News*, 29 December 2008. Accessed 28 March 2010 at <http://news.bbc.co.uk/go/pt/fr/-/hi/africa/7802803.stm>.
- “African Union Suspends Madagascar After ‘Coup’,” *The Guardian*, 20 March 2009.
- American Bar Association (ABA), “ABA Rule of Law Initiative.” Accessed 12 April 2010 at [www.abanet.org/rol/?gnav=global\\_publicresources\\_rol](http://www.abanet.org/rol/?gnav=global_publicresources_rol).
- American Bar Association (ABA), *Judicial Reform Index: Kosovo*, Vol. III (2007).
- American Bar Association (ABA), “Rule of Law Initiative, About the ABA Rule of Law Initiative.” Accessed 15 April 2010 at <http://www.abanet.org/rol/about.shtml>.
- American Bar Association (ABA), “Rule of Law Initiative, Criminal Law Reform and Anti-Human Trafficking Programs.” Accessed 15 April 2010 at <http://www.abanet.org/rol/programs/criminal-law.html>.
- Amnesty International, “Making a Complaint.” Accessed 19 April 2010 at <http://www.amnesty.org/en/who-we-are/accountability/making-a-complaint>.
- Amnesty International, “Uganda: First Steps to Investigate Crimes Must Be Part of Comprehensive Plan to End Impunity.” 30 January 2004. Accessed 30 January 2008 at [http://www.amnesty.org/en/alfresco\\_asset/573bd86a-a3b5-11dc-9d08-f145a8145d2b/af590012004en.pdf](http://www.amnesty.org/en/alfresco_asset/573bd86a-a3b5-11dc-9d08-f145a8145d2b/af590012004en.pdf).
- Amnesty International, “Uganda: Proposed National Framework to Address Impunity Does Not Remove Government’s Obligation to Arrest and Surrender LRA Leaders to the International Criminal Court.” 15 August 2007.
- Anyoli, Edward, “Former LRA Commander Sent to War Court,” *New Vision*, 6 September 2010.
- Asia Foundation, “Afghanistan in 2007. A Survey of the Afghan People” (2007). Available at <http://asiafoundation.org/resources/pdfs/AGsurvey07.pdf>.
- Blake, Daniel. and Payton, Autumn, “Voting Rules in International Organizations: Reflections of Power or Facilitators of Cooperation?” Paper presented at ISA’s 49th Annual Convention, San Francisco, CA, 26 March 2008.
- Börzel, Tanja, and Risse, Thomas, “One Size Fits All! EU Policies for the Promotion of Human Rights, Democracy and the Rule of Law.” Paper prepared for the Workshop on Democracy Promotion, Center for Development, Democracy, and the Rule of Law, Stanford University, 4–5 October 2004. Accessed 22 April 2010 at [http://iis-db.stanford.edu/pubs/20747/Risse-Borzel-stanford\\_final.pdf](http://iis-db.stanford.edu/pubs/20747/Risse-Borzel-stanford_final.pdf).
- “Bush Aide Hints Police Are Better Peacekeepers than Military,” *New York Times*, 17 November 2000.
- Carothers, Thomas, “How Democracies Emerge: The ‘Sequencing’ Fallacy” (2007). Available at <http://www.carnegieendowment.org/events/index.cfm?fa=eventDetail&id=953&prog=zgp&proj=zdl>.

- "Clinton Presses Region to Recognize Honduras, *New York Times*, 6 March 2010. Accessed 28 March 2010 at <http://www.nytimes.com/2010/03/06/world/americas/06clinton.html>.
- Combined Security Transition Command – Afghanistan, "CSTC-A Fact Sheet" (12 April 2006).
- "Country Reports: Asia Pacific." *The International Journal of Not-for-Profit Law* 2(3) (2000). Accessed 22 April 2010 at <http://www.icnl.org/knowledge/ijnl/vol2iss3/cr.1.htm#easttimor>.
- Crane, Conrad, "COIN of the Realm?: The Role and Importance of Legitimacy in Counterinsurgency." Presentation at the Future Defense Dilemma Seminar of the 21st Century Defense Initiative and the Strategic Studies Institute, 2 April 2008. Available at <http://www.povertyfrontiers.org>, 2008.
- Davies, Rick and Dart, Jess, "The 'Most Significant Change' (MSC) Technique: A Guide to its Use." *Version 1.00*, April 2005. Accessed 18 January 2011 at <http://www.mande.co.uk/docs/MSCGuide.pdf>.
- Department of the Army, *FM 3-07 – Stability Operations and Support Operations* (2003): 4-26.
- Department of the Army, *FMI-3-07.11, Counterinsurgency Operations* (2004).
- Department of the Army, *FM 3-24, Counterinsurgency* (2006).
- Department of State Audit, "Inspection of Rule-of-Law Programs, Embassy, Baghdad." ISP-IQO-06-01 (2005).
- Document of the Copenhagen Meeting of the Conference of the Human Dimensions of the CSE (1990).
- Doing Business in 2005: Removing Obstacles to Growth*. The World Bank, the International Finance Corporation, and Oxford University Press, 2005.
- Eide, Espen, Barth, Kaspersen, Anja Therese, Kent, Randolph, and Hippel, Karen von, "Report on Integrated Missions: Practical Perspectives and Recommendations." Independent Study for the Expanded UN ECHA Core Group (2005). Available at [http://ochanet.unocha.org/p/Documents/Report\\_on\\_Integrated\\_Missions\\_May\\_2005\\_Final.pdf](http://ochanet.unocha.org/p/Documents/Report_on_Integrated_Missions_May_2005_Final.pdf).
- EU Institute for Security Studies, "Publications." Accessed 13 April 2010 at <http://www.iss.europa.eu/publications/>.
- EuropeAid, "Democratic Governance." Accessed 20 July 2010 at [http://ec.europa.eu/europeaid/what/governance/index\\_en.htm](http://ec.europa.eu/europeaid/what/governance/index_en.htm).
- Europe and Central Asia Region Justice Reform and the World Bank: Status, Trends, and Strategic Directions: Briefing Note. Draft on file with author, 2009.
- Freedom House, "Freedom in the World." Accessed 9 April 2010 at <http://www.freedomhouse.org/template.cfm?page=15>.
- Freedom House, "Methodology 2005 Edition." Accessed 18 November 2009 at [http://freedomhouse.org/template.cfm?page=351&ana\\_page=354&year=2009](http://freedomhouse.org/template.cfm?page=351&ana_page=354&year=2009).
- Golub, Stephen, "Participatory Justice in the Philippines," in Golub, Stephen, and McClymont, Mary (eds.), *Many Roads to Justice*. The Ford Foundation, 2000: 197-232.
- Government of Uganda, "Referral of the Situation Concerning the Lord's Resistance Army Submitted by the Republic of Uganda." 16 December 2003. On file with author.
- Green, Jessica and Colgan, Jeff, "Is There Really a Power Shift? Delegating Authority in Global Environmental Politics." Paper presented at SGIR – 7th Pan-European Conference 2010, Stockholm, 2010.
- Guidelines on the Recognition of New States in Eastern Europe and the Soviet Union of 16 December 1991, reprinted in *International Legal Materials* 31(1992).
- Hadenius, Axel, and Teorell, Jan, "Assessing Alternative Indices of Democracy." *Committee on Concepts and Methods Working Paper Series* (2005).

- Hague Institute for the Internalisation of Law, "Measuring Access to Justice in a Globalising World." Available at <http://www.hiil.org/research/main-themes/rule-of-law/research-project-measuring-access-to-justice-in-a-globalising-world/>.
- Hague Rule of Law Network, "Final Report: Civil–Military Cooperation in Building the Rule of Law." Report on the Fourth Annual Meeting of the Hague Rule of Law Network (2009).
- Hernandez, Nelson, and al-Izzi, Saad, "Iraq's Attorneys Practicing in a State of Fear." *Washington Post Foreign Service*, 10 June 2006.
- Heupel, Monika, "With Power Comes Responsibility. Human Rights Protection in UN Sanctions Policy." Paper presented at SGIR – 7th Pan-European Conference 2010, Stockholm, 2010.
- Human Rights Watch, "Benchmarks for Assessing Possible National Alternatives to International Criminal Court Cases against LRA Leaders." May 2007. Accessed 25 February 2008 at <http://hrw.org/backgrounder/ij/icc0507/icc0507web.pdf>.
- Human Rights Watch, "ICC: Investigate All Sides in Uganda." 4 February 2004. Accessed 30 January 2008 at <http://hrw.org/english/docs/2004/02/04/uganda7264.htm>.
- Human Rights Watch, "Uganda: New Accord Provides for War Crimes Trials; Prosecuting Rights Abusers Will Require Political Will, Legal Reforms." 19 February 2008. Accessed 20 February 2008 at <http://hrw.org/english/docs/2008/02/19/uganda18094.htm>.
- Human Rights Network-Uganda (Hurinet-U), "Analysis of the International Criminal Court Bill (No. 10/2004) in the Context of Uganda's Obligations Under the Statute of the International Criminal Court." 17 January 2005. Available at <http://www.hurinet.or.ug/downloads/Analysis%20of%20the%20ICC%20Bill%20in%20the%20ugandan%20context.pdf>.
- International Bar Association (IBA), "International Rule of Law Directory." Accessed 20 April 2010 at <http://www.roldirectory.org/index.htm>.
- International Commission of Jurists, "Assessing Damage Urging Action, Report of the Eminent Jurists Panel on Terrorism, Counter-Terrorism and Human Rights." 2009. Accessed 14 April 2010 at <http://ejp.icj.org/IMG/EJP-Report.pdf>.
- International Committee of the Red Cross, "ICRC Commentary on the Convention (IV) Relative to the Protection of Civilian Persons in Time of War." Geneva (1949).
- ICC, "Kampala Declaration." Review Conference of the Rome Statute, Kampala, 31 May–11 June 2010, RC-4-ENG-04062010. Available at <http://www.iccuganda2010.ug/uploads/Docs/The%20Kampala%20Declaration.pdf>.
- ICC, "The Importance of Justice in Securing Peace." Review Conference of the Rome Statute, 30 May 2010, RC/ST/PJ/INF.3.
- ICC, "President of Uganda Refers Situation Concerning the Lord's Resistance Army (LRA) to the ICC." 29 January 2004. Accessed 29 January 2008 at <http://www.icc-cpi.int/press/pressreleases/16.html>.
- International Criminal Court Bill, XCVII(26), *Uganda Gazette*, 28 May 2004.
- International Crisis Group, "Bosnia: Reshaping the International Machinery." Balkans Report No. 112, 29 November 2001.
- International Crisis Group, "Northern Uganda: Understanding and Solving the Conflict." 14 April 2004. Accessed 31 January 2008 at <http://www.up.ligi.ubc.ca/ICGreport.pdf>.
- International Crisis Group, "The Rule of Law in Independent Kosovo." 19 May 2010.
- International Development Association (IDA), "Country Policy and Institutional Assessment (CPIA)." Accessed 9 April 2010 at <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/IDA/0,,contentMDK:20941073~pagePK:51236175~piPK:437394~theSitePK:73154,00.html>.

- International Development Law Organization (IDLO), "Rule of Law Assistance Directory." Accessed 20 April 2010 at <http://www.idlo.int/english/Resources/ROL/projectandinizatives/Pages/home.aspx>.
- International Development Law Organization, "Rule of Law Inventory Report, Practice Part: 'The IDLO Rule of Law Portal'." 20 April 2007. Accessed 22 April 2010 at [http://www.idlo.int/ROL/ROLCv/Inventory\\_Report\\_Practice\\_Part\\_by\\_IDLO1.pdf](http://www.idlo.int/ROL/ROLCv/Inventory_Report_Practice_Part_by_IDLO1.pdf).
- Independent Evaluation Group (IEG), "Development Results in Middle-Income Countries: An Evaluation of the World Bank's Support." World Bank, 2007.
- Independent International Fact-Finding Mission on the Conflict in Georgia. Report of the Independent International Fact-Finding Mission on the Conflict in Georgia, Part II: 127. Accessed 9 May 2010 at <http://www.ceiig.ch/Report.html>.
- International Law Institute (ILI), "About the International Law Institute." Accessed 12 April 2010 at [http://www.ili.org/ms/ili\\_mission.htm](http://www.ili.org/ms/ili_mission.htm).
- International Legal Assistance Consortium (ILAC), "About ILAC." Accessed 12 April 2010 at <http://www.ilac.se/about>.
- Jawaharlal Nehru's Speeches 1949–1953, Publications Division, Ministry of Information and Broadcasting, Government of India, 1954.
- Justice, Law and Order Sector (JLOS), "JLOS Annual Performance Report 2009/2010." September 2010.
- Kempa, Michael, Sheering, Clifford, and Burris, Scott, "Changes in Governance: A Background Review." Paper prepared for the Salzburg Seminar on the Governance of Health, 2006.
- Keynote Address by Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, Council on Foreign Relations, Washington, DC, 4 February 2010.
- Kosovo Standards Implementation Plan, 31 March 2004.
- Kulayigye, Felix, "Otunnu's Notion of Genocide in the North Very Absurd," *The Monitor*, 4 September 2009.
- LRA Position Paper on Accountability Truth and Reconciliation in the Context of Alternative Justice System [sic] for Resolving the Northern/Eastern Ugandan and Southern Sudan Conflicts. Juba, 19 August 2006.
- McCurrencies: Happy 20th Birthday to our Big Mac Index, *The Economist*, 25 May 2006. Accessed 11 July 2011 at [http://www.economist.com/node/6972477?story\\_id=E1.GJSNQSS](http://www.economist.com/node/6972477?story_id=E1.GJSNQSS).
- Majtenyi, Cathy, "Rwanda War Crimes Court in Financial Trouble." *VOA News*, 1 July 2004.
- Makubuya, Khiddu, "Uganda's Statement Presented to the Working Group on the Review Conference." Assembly of States Parties, sixth resumed session, New York, 5 June 2008.
- Miranda, Manuel, "Departure Assessment of Embassy Baghdad." Memorandum to Ambassador Crocker, U.S. Embassy, Baghdad, Iraq. Baghdad: Office of Legislative Statecraft, 5 February 2008.
- Møller, Jørgen, and Skaaning, Svend-Erik, "Thin and Thick Definitions of the Rule of Law: An Overview and an Appraisal." Paper presented at the Symposium on The Rule of Law: Concepts, Measures and Theory, Atlanta, 2010b.
- MPs Pass ICC Bill, *New Vision*, 10 March 2010.
- Mugisa, A., and Nsambu, H. "ICC Clears UPDF in the North," *Saturday Vision*, 30 August 2008.
- "Niger's Military Coup Criticized by France and Africa," *BBC News*, 19 February 2010. Accessed 28 March 2010 at <http://news.bbc.co.uk/2/hi/8523573.stm>.
- Oeter, Stefan, "The Openness of International Organizations for Transnational Public Rule-Making." Paper presented on the workshop "The Law beyond the State: Public Governance, Networks and Organizations in the Transnational Sphere," 19–21 June 2008.



- “Odhiambo Won’t Face World Court,” *New Vision*, 10 February 2009.
- Okech, Bill, “Uganda Set for First War Crimes Trial.” Institute for War and Peace Reporting, 14 July 2010.
- Ogola, Florence, “Uganda Victims Question ICC’s Balance.” Institute for War and Peace Reporting, 16 June 2010.
- Omach, Paul, “Demobilization and Reintegration of Former Combatants in Uganda: The Interplay of Domestic Politics and the International Contexts.” Paper Presented at Conference “Rethinking Peacebuilding in Africa,” Cambridge, 6 March 2009.
- Ombudsperson Institution in Kosovo, “Eight Annual Report” (2008).
- Ombudsperson Institution in Kosovo, “Fourth Annual Report” (2004).
- Ombudsperson Institution in Kosovo, “Seventh Annual Report” (2007).
- Ombudsperson Institution in Kosovo, “Third Annual Report” (2003).
- Open Society Institute, “Human Rights & Governance Grants Program.” Accessed 14 April 2010 at <http://www.soros.org/initiatives/hrggp>.
- Open Society Justice Initiative. Accessed 12 April 2010 at <http://www.soros.org/initiatives/justice/focus>.
- Open Society Institute, Parliament of the Republic of Uganda, Parliamentary Debates, Hansard Official Report, Wednesday 21 February 2007.
- Parliament of the Republic of Uganda, Parliamentary Debates, Hansard Official Report, Wednesday 10 March 2010.
- Parliament of the Republic of Uganda, Parliamentary Debates, Hansard Official Report, Wednesday 21 February 2007.
- Parliament of the Republic of Uganda, Parliamentary Debates, Hansard Official Report, Thursday 29 July 2004.
- Petraeus, David and Amos, James, “Foreword,” in Department of the Army, *FM 3-24, Counterinsurgency*. (2006).
- Programa Venezolano De Educaci On-Acci O. *Halfway to Reform: The World Bank and the Venezuelan Justice System*. Lawyers Committee for Human Rights and the Venezuelan Program for Human Rights Education and Action. New York, 1996.
- Project on International Courts and Tribunals, “Material and Publications.” Available at <http://www.pict-pcti.org/matrix/matrixintro.html>.
- Rensmann, Thilo, “Nationales Verwaltungsrecht und internationaler Investitionsschutz,” forthcoming (manuscript on file with the authors).
- Résolution de l’Institut de Droit International, XXXIVe session, *Annuaire de l’IDI* 1927, tome III.
- Rubini, Daniel, “Justice in Waiting: Developing Rule of Law in Iraq.” *The Officer* (August 2009): 45-48.
- Schuppert, Gunnar Folke, “Contract Governance: Verwaltungsrecht und Verwaltungswissenschaft vor neuen Herausforderungen,” in Grundmann, Stefan, Kloepfer, Michael, Paulus, Christoph G., Schröder, Rainer, and Werle, Gerhard (eds.), *Festschrift 200 Jahre Juristische Fakultät der Humboldt-Universität zu Berlin*. De Gruyter, 2010a.
- Special Division of the High Court of Uganda 2008 Administrative Circular.
- Speech by Mr. Frank-Walter Steinmeier, the German Foreign Minister to the German Federal Parliament, 20 February 2008. Accessed 13 March 2010 at <http://www.auswaertiges-amt.de/diplo/de/Infoservice/Presse/Reden/2008/080220-Steinmeier-BT-Kosovo.html>.
- Statement by Condoleezza Rice on Recognition of Kosovo as Independent State of 18 February 2008. Accessed 10 March 2010 at <http://www.america.gov/st/texttrans-english/2008/February/20080218150254bpuh5.512637e-02.html>.

- Statement of the Council of the European Union of 18 February 2008: 2851st External Relations Council Meeting, Brussels, 6496/08 (Presse 41). Accessed 13 March 2010 at [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/gena/98818.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/98818.pdf).
- Statement of Finland of 7 March 2008. Accessed 28 March 2010 at <http://formin.finland.fi/public/default.aspx?contentid=123797&nodeid=15146&contentlan=2&culture=en-US>.
- Statement of Hungary 19 March 2008. Accessed 28 March 2010 at [http://www.mfa.gov.hu/kum/en/bal/actualities/spokesman\\_statements/Kosovo\\_recognition\\_080319.htm](http://www.mfa.gov.hu/kum/en/bal/actualities/spokesman_statements/Kosovo_recognition_080319.htm).
- Statement by Luis Moreno-Ocampo, "Statement on the Uganda Arrest Warrants." The Hague, 14 October 2005. Available at [http://www.icc-cpi.int/library/organs/otp/speeches/LMO\\_20051014\\_English.pdf](http://www.icc-cpi.int/library/organs/otp/speeches/LMO_20051014_English.pdf).
- Statement by Luis Moreno-Ocampo, "Statement to the Assembly of States Parties to the Rome Statute of the International Criminal Court." New York, 22 April 2003, ICC-OTP-20030502-10-EN. Available at <http://www.icc-cpi.int/Menus/ICC/Structure+of+the+Court/Office+of+the+Prosecutor/Reports+and+Statements/Press+Releases/Press+Releases+2003/>.
- Statement by Luis Moreno-Ocampo, "Statement to the Fourth Session of the Assembly of States Parties." The Hague, 28 November 2005. Available at [http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-67\\_English.pdf](http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-67_English.pdf).
- Statement by the President of the Security Council, 12 December 2003, UN Doc. S/PRST/2003/26.
- Statement by the President of the Security Council, 22 June 2006, UN Doc. S/PRST/2006/28.
- Statement by the President of the Security Council, 30 April 2004, UN Doc. S/PRST//2004/13.
- Statement by the President of the Security Council, "The Promotion and Strengthening of the Rule of Law in the Maintenance of International Peace and Security." 29 June 2010, UN Doc. S/PRST/2010/11.
- Strengthening International Law: Rule of Law and the Maintenance of International Peace and Security, Security Council Open Debate, 22 June 2006. Available at [http://www.iccnw.org/documents/UNMemberStates\\_ExcerptsonInternationalLaw\\_22June06.pdf](http://www.iccnw.org/documents/UNMemberStates_ExcerptsonInternationalLaw_22June06.pdf).
- "Strengthening Rule of Law 'Key' to Unlocking Millennium Development Goals, Head of United Nations Office on Drugs and Crime Tells Third Committee," *States News Service*, 9 October 2008.
- "Sweden Recognizes the Republic of Kosovo," Press Release of 4 March 2008. Accessed 13 March 2010 at <http://www.sweden.gov.se/sb/d/10358/a/99714>.
- Tamanaha, Brian, "The Good and Bad of the Rule of Law Ideal." Paper presented at the annual meeting of The Law and Society Association, TBA, Berlin, Germany, 2007. Available at [www.allacademic.com/meta/p177729\\_index.html](http://www.allacademic.com/meta/p177729_index.html).
- The Millennium Project, "Global Challenges Facing Humanity." Available at [http://www.millennium-project.org/millennium/Global\\_Challenges/chall-12.html](http://www.millennium-project.org/millennium/Global_Challenges/chall-12.html).
- Transparency International, "Corruption Perceptions Index (CPI)." Accessed 9 April 2010 at [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2009](http://www.transparency.org/policy_research/surveys_indices/cpi/2009).
- Transparency International, "Global Corruption Report: Corruption and Judicial System" (2007). Available at [http://www.transparency.org/publications/gcr/download\\_gcr#download](http://www.transparency.org/publications/gcr/download_gcr#download).
- Uganda: Interview with President Yoweri Museveni, *IRIN*, 9 June 2005.
- United Nations Rule of Law Indicators Project, in conjunction with the Vera Institute of Justice and members of the Altus Global Alliance. Available at <http://ar.unrol.org/doc.aspx?n=Newsletter+for+United+Nations+Rule+of+Law+Indicators+Project+June+2009.pdf>.

- USAID, "This is USAID." Accessed 20 July 2020 at <http://www.usaid.gov/about.usaid/>.
- USAID, "USAID Primer: What We Do and How We Do It." Revised January 2006. Accessed 20 July 2010 at [http://www.usaid.gov/about\\_usaid/PDACC100.pdf](http://www.usaid.gov/about_usaid/PDACC100.pdf).
- United States Department of State, "Trafficking in Persons Report" (2009).
- United States General Accounting Office, "Foreign Assistance. Rule of Law Funding Worldwide for Fiscal Years 1993-98." Washington, DC, June 1999 (GAO/NSIAD-99-158).
- United States Government Accountability Office, "Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad," in Report to the Chairman, Committee on the Judiciary and the Chairman, Committee on International Relations, House of Representatives, Washington, DC (2006).
- Vera Institute of Justice and Altus Global Alliance, "Developing Indicators to Measure the Rule of Law: A Global Approach." Report to the World Justice Project, July 2008.
- Vera Institute of Justice, Draft Report of the Review of the IADB Citizen Security Program in Nicaragua. No. 1590/SF-NI, December 2009.
- Verband Entwicklungspolitik Deutscher Nichtregierungsorganisationen, "Fünf Jahre Deutsche PRTS in Afghanistan: Eine Zwischenbilanz aus Sicht der deutschen Hilfsorganisationen." VENRO-Positionspapier 1/2009 (2009). Available at <http://www.venro.org>.
- Wallace, William, "Foreword," in *FM 3-0, Operations*. Department of the Army (2008).
- "Where the Money Goes," *Washington Post*, 4 January 2011.
- Williamson, Clint, "Preliminary Screening Inquiry Report, Investigation of Legal Operations in CJTF-7." End of Mission Report to the Administrator, Department of the Army, CPA (2005): Tab 60.
- Wrangé, P., "The ICC Bill, Complementarity and "Retroactivity." 30 September 2008.
- Zumbansen, Peer. Transnational Law. CLPE Research Paper No. 09/2008. Osgood Hall Law School, Toronto, 2008.
- Zumbansen, Peer, "Governance: An Interdisciplinary Perspective," in David Levi-Faur (ed.), *Oxford Handbook on Governance*. Oxford: Oxford University Press, forthcoming.
- Zürn, Michael, Binder, Martin, and Ecker-Ehrhardt, Matthias, "Political Authority beyond the Nation State and Its Politicization." Paper presented at the International Studies Association, Montreal, March, 2011.