

Publications CM Brölmann 1 Sept 2018

Books

- *The Institutional Veil in Public International Law*, Oxford, Hart Publishers, 2007 (<http://www.hartpub.co.uk/books/details.asp?sc=1-84113-634-4>) (nominated for the *European Society of International Law* book price 2008)
- Fully revised 2nd edition of *Het Nederlandse Verdragenrecht* (Dutch treaty law and Practice) (first ed in 1994 by EW Vierdag), Kluwer, Master Monografieën Staats-en Bestuursrecht, 2019 [[forthcoming]]

Edited volumes

- CM Brölmann & Y Radi (eds), *Handbook on the Theory and Practice of International Law Making* (London, Edward Elgar Publishers, 2016)
- CM Brölmann & A Tanzi (eds), *Community and Sovereignty : Transboundary Aquifers and International Law* (Brill, 2011 - Special Issue of the ICLRev vol. 13)
- CM Brölmann (ed.-in-chief), R van Alebeek, PA Nollkaemper (eds), *Cases & Materials in International Law* ("Jurisprudentie en documentatie internationaal publiekrecht"), 7th edition, Boom Juridische Uitgevers, 2016.
 - CM Brölmann (ed.-in-chief), R van Alebeek, M den Heijer, PA Nollkaemper (eds), *Cases & Materials in International Law* ("Jurisprudentie en documentatie internationaal publiekrecht"), 6th edition, Boom Juridische Uitgevers, 2014.
 - CM Brölmann (ed.-in-chief), R van Alebeek, M den Heijer, PA Nollkaemper & AM Vermeer (eds), *Cases & Materials in International Law* ("Jurisprudentie en documentatie internationaal publiekrecht"), 5th edition, Boom Juridische Uitgevers, 2013.
 - CM Brölmann (ed.-in-chief), R van Alebeek, PA Nollkaemper & AM Vermeer (eds), *Cases & Materials in International Law* ("Jurisprudentie en documentatie internationaal publiekrecht"), 4th edition, Boom Juridische Uitgevers, 2010, 860 pp.
 - CM Brölmann (ed.-in-chief), R van Alebeek, JK Kleffner & PA Nollkaemper (eds), *Cases & Materials in International Law* ("Jurisprudentie en documentatie internationaal publiekrecht"), 3rd edition, Boom Juridische Uitgevers, 2008, 875 pp.
- CM Brölmann & M Emberland (eds), *At the 60th Anniversary of the International Court of Justice* (Brill, 2007 - Special Issue of the ICLRev vol. 9).
- CM Brölmann, R Lefeber & M Zieck (eds), *Peoples and Minorities in International Law*, The Hague, Martinus Nijhoff, 1993.

Chapters in Books

- 'Legal Personality' in J d'Aspremont & S Singh (eds), *Concepts for International Law - Contributions to Disciplinary Thought* (London, Edward Elgar, forthcoming 2019), with J Nijman
- 'The Law of Treaties before Domestic Courts and Regional Human Rights Bodies', in: PA Nollkaemper, A Reinisch, R Janik & F Simlinger (eds), *International Law in Domestic Courts* (Oxford, OUP, 2018, forthcoming), with Chr Binder
- 'Typologies and the 'Essential Legal Character' of Treaties' in M Bowman and D Kritsiotis (eds), *Conceptual and Contextual Perspectives on the Modern Law of Treaties* (Cambridge CUP, 2018 – forthcoming)
- 'Member States and International Legal Responsibility', in S Barros, C Ryngaert, & J. Wouters,

International Organizations and Member State Responsibility: Critical Perspectives, Brill-Nijhoff 2017 (similar to 2015 Article in IOLR, *infra*)

- 'Internationaal recht' in *Hoofdstukken recht voor niet-juristen* (Den Haag, Boom Juridisch, 2017), pp 358-380.
- Legacy of the 1980 ICJ advisory opinion on *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*, in I Dekker, C Ryngaert, R Wessel, J Wouters (eds) *Leading Judicial Decisions of the Law of International Organizations*, p 245-254 (Oxford OUP, 2016)
- 'International lawmaking in a global world' in CM Brölmann & Y Radi (eds), *Handbook on the Theory and Practice of International Law Making* (London, Edward Elgar Publishers, 2016), with Y Radi
- "Internationaal recht" in *Geheel volgens de regels : Inleiding recht voor bedrijf en overheid*, 2^e druk, Boom Juridische Uitgevers, 2013, p. 359-380
- "The Permanent Court of International Justice and the International Rights of Groups and Individuals", M Fitzmaurice, Chr J Tams & P Merkouris (eds), *The Lasting Legacy of the Permanent Court of International Justice* (Dordrecht/ Boston, Martinus Nijhoff, 2013), 123-143.
- "Specialized Rules of Treaty Interpretation: International Organizations", in D Hollis (ed), *The Oxford Guide to Treaties* (Oxford OUP, 2012), 507-524.
- "Het constitutionele perspectief en de *coming of age* van internationale organisaties", in *De Regels en het Spel: Opstellen over Recht, Filosofie, Literatuur en Geschiedenis aangeboden aan Tom Eijsbouts* (red. JH Reestman, A Schrauwen, M van Montfrans en JH Jans), TMC Asser Press, 2011, p 73-85.
- "Contractual Freedom and Institutional Constraint : International Organizations and Treaties", in Jan Klabbers, *Research Handbook on International Organizations*, London, Edward Elgar Publishing, 2011, p 461-507.
- "Challenging International Criminal Tribunals Before Domestic Courts," in A Reinisch (ed.), *Acts of International Organizations in National Courts*, Oxford, OUP, 2011, pp 111-136 (with Jean d'Aspremont).
- "Internationaal recht" in *Geheel volgens de regels : Inleiding recht voor bedrijf en overheid*, Boom Juridische Uitgevers, 2009, p. 341-362
- "Internationaal Waterrecht en het Mensenrecht op Water" in *Het Waterrecht in Perspectief*, Europa Law Publishing, 2008, pp 85-97.
- "Deterritorialization in International Law: Moving Away from the Divide between National and International Law", in JE Nijman & PA Nollkaemper, *New Perspectives on the Divide between National and International Law*, OUP, 2007, p 84-109.
- "A Flat Earth? International Organizations in the System of International Law", in J. Klabbers (ed.), *The Law of International Institutions*, Series: Library of Essays in International Law, Ashgate, 2006, pp. 183-206. (reprint from Nordic JIL 2001).
- "Limits to the Treaty Paradigm", in M. Craven & M. Fitzmaurice, *Interrogating the Treaty: Essays in the Contemporary Law of Treaties*, Wolf Legal Publishers, 2005, pp 28-39.
- 'International law and European Community law in the Netherlands' in: PM Eisemann (ed.), *The Integration of international and European Community law into the National Legal Order*, Kluwer law International, 1996, pp 433-459 (with EW Vierdag).
- "Indigenous Peoples", in Brölmann, Lefeber, Zieck (eds.), *Peoples and Minorities in International Law*, The Hague, Nijhoff, 1993, pp 187-220 (with M Zieck).

(Peer reviewed) Articles

- 'Brexit en bestaande verdragsverplichtingen', in *Nederlands Juristenblad*, 1332-25 (20 June 2017): 1748-1750
- "Member States and International Legal Responsibility: Developments of the Institutional Veil", 12 (2015) *International Organizations Law Review* 358-381.
- "Relativering van het recht op water" (*qualification of the right to water*) in *Nederlands Juristenblad* (17-9-2010), No. 31, p 2035.
- "Mensenrecht op water biedt bescherming tegen waterafsluiting" (*on the human right to water*), in *Nederlands Juristenblad* (21-11-2008), No. 41, p 2583.
- "The International Court of Justice and International Organisations", in 9 *International Community Law Review* 2007, pp 181-186.
- "Beyond State Sovereignty: The Human Right to Water" (with Th. Kiefer), in 5 *Non-State Actors and International Law* 2005, pp 183-208.
- "Law-Making Treaties: Form and Function in International Law", 2005 *Nordic Journal of International Law* 74, Issue 3, pp 383-404.
- Naschrift bij reactie op 'De Verenigde Staten als volkenrechtelijk koorddanser', 2002 *NJB* no. 37, (with GR den Dekker).
- 'De Verenigde Staten als volkenrechtelijk koorddanser', 2002 *NJB* no. 26, pp 1246-1247 (with GR den Dekker).
- A Flat Earth? International Organizations in the System of International Law, in 2001 *Nordic Journal of International Law* 70, no. 3, pp 319-340.
- Review essay of Timo Makkonen, *Identity, Difference and Otherness: The Concepts of "People", "Indigenous People" and "Minority" in International Law*, Helsinki, 2001, in 8 *International Journal of Minority and Group Rights* 2001, issue 4, pp 90-94.
- The Legal Nature of International Organisations and the Law of Treaties, in *Austrian Review of International & European Law* 4: 85-125, Kluwer Law International 2000.
- "De deconstructie van volkenrechtelijke argumentatie" (*"The Deconstruction of international law argumentation"*) in: *Met recht en reden*, Ars Aequi Libri, 2000, pp 237-243.
- "The 1986 Vienna Convention on the Law of Treaties: The History of Draft Article 36bis" in: J Klabbers & R Lefeber (eds), *Essays on the Law of Treaties*, Martinus Nijhoff, The Hague, 1998, pp 121-140.
- "Some Remarks on the Draft Declaration on the Rights of Indigenous Peoples", 3 *Leiden Journal of International Law* 1995, pp 103-113 (with M Zieck).

Notes/Commentaries/Reviews

- **Expert article** 'Review of the Cotif Amendment Procedure: Assessment of the Public International Law Dimension' in 125 *Bulletin of International Carriage by Rail*, no. 3, 2017, pp 12-17. (also in French and German)
- **Casnote** to the 1980 ICJ advisory opinion on *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*, Oxford International Organizations (OXIO), 2017.
- **Report** 'Legal assessment of the COTIF revision procedure and of possibilities for its amendment' – legal analysis of possible amendments to the constituent treaty of the Organization (OTIF), 7 March 2017 (LAW-17034-WGREVCOTIF 3-01 - 03.04.2017), 28 pp.
- **Guest editorial** *European Society for International Law* newsletter 'Public International Law - steel frame or safety net?' July 2016 (<http://www.esil-sedi.eu/node/1367>)
- Participant in the *Globalization trendLab Report 2016* of the Lauder Institute-Wharton School (University of Pennsylvania), "WATER : Scarcity, Excess and the Geopolitics of Allocation"

- (<http://lauder.wharton.upenn.edu/wp-content/uploads/2015/05/2016-06-03-water-scarcity-excess-and-the-geopolitics-of-allocation.pdf>)
- **Casenote** - Supreme Court (2015), Anonymous v. Public Prosecutor, Case No 14/01783 (anti-piracy mission in Somalia), in *Oxford Reports on International Law in Domestic Courts*, OUP 2016 (<http://www.oup.com/online/ildc/>).
 - Centre for Sustainable Development Studies, **Interview** on International law and the governance of water resources – 14 April 2016 (<http://csds.uva.nl/news--events/news/news/content/folder/2016/04/interview-with-dr.-catherine-kiki-brolmann-international-law-and-the-governance-of-water-resources.html>)
 - **Report** CM Brölmann, JG Lammers, W Werner & RA Wessel, “Aansprakelijkheid Van Internationale Organisaties” (external report, CAVV Advies No. 27), Den Haag 2015 (<http://www.cavv-advies.nl/Publications>).
 - **Casenote** - District Court The Hague (1980), Democratic Republic of East Timor; Fretilin and ors v The Netherlands, Decision on admissibility, in *Oxford Reports on International Law in Domestic Courts*, OUP 2015 (<http://www.oup.com/online/ildc/>)
 - **Report** CM Brölmann, PJ Kuijper, JG Lammers, RA Wessel, & AG Oude Elferink (2014), “Extern optreden van de Europese Unie en internationaal recht” (external report, CAVV Advies No. 24), Den Haag 2014 (<http://www.cavv-advies.nl/Publications>).
 - **Blog** - *Secession within the Union: Scotland said NO, but the quest for a legal framework continues* [ACELG](http://www.acelg.org) posted 19 September 2014 (with Th. Vandamme)
 - **Blog** - *International law as a tool for global water governance*, [Broker Online](http://www.brokeronline.nl), posted 11 March 2013
 - **Casenote** – District Court The Hague (1985), A.S. v. Iran-United States Claims Tribunal (18 NYIL (1987) 357, 360) in *Oxford Reports on International Law in Domestic Courts*, OUP 2013 (<http://www.oup.com/online/ildc/>)
 - **Blog** Contractual and Institutional Elements in the Treaty Process, *Opinio Juris* (<http://opiniojuris.org/2012/11/12/the-oxford-guide-to-treaties-symposium-contractual-and-institutional-elements-in-the-treaty-process/>), 12 November 2012
 - **Article** “Rechtstreekse werking verdragen goed voor Nederland’ together with J Nijman, in 21 *Openbaar Bestuur* 6, 2012 pp. 13-15
 - **Op-Ed** *VVD heeft blijkbaar moeite met onafhankelijke rechter* in *Het Nederlands Dagblad*, (2012), 9 (met J. Nijman)
 - **Blog** *Typologies of treaties under the VCLT* <http://viennaconvention.wordpress.com/2011/10/03/brolmann-typologies-of-treaty-under-the-vclt-regime/> 22 february 2012
 - **Casenote** – LJN: BL6583, Court of Appeal ’s-Hertogenbosch (2010), HD 200.018.358 (waterworks company is allowed to cut off the water supply of a defaulting client, as this would not entail a breach of the client's human right to water) in *Oxford Reports on International Law in Domestic Courts*, OUP 2011 (<http://www.oup.com/online/ildc/>)
 - **Casenote** – LJN: BI9632, Supreme Court (2009), 08/00118 (immunity of the European Patent Organization before Dutch Courts) in *Oxford Reports on International Law in Domestic Courts*, OUP, 2011 (<http://www.oup.com/online/ildc/>)
 - **Editorial** “Transboundary Aquifers as a Concern of the International Community”, in CM Brölmann & A Tanzi, *Community and Sovereignty : Transboundary Aquifers and International Law* (Brill, 2011 - Special Issue of the ICLRev vol. 13), 189-191.
 - **Column**, ‘De toon voor een nieuwe benadering van mens en water is gezet’ (april 2010), in *Unesco.nl.*, Nieuwsbrief Nationale Unesco Commissie (<http://www.unesco.nl/nieuws-agenda/nieuwsbrief-1/nieuwsbrief-april-2010/de-toon-voor-een-nieuwe-benadering-van-mens->

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- **Casnote** –LJN: BA9173, Supreme Court (2007), 01984/07 CW (immunity of Euratom before Dutch Courts) in *Oxford Reports on International Law in Domestic Courts*, OUP, 2010 (<http://www.oup.com/online/ildc/>)
- **Editorial** - 11 *International Community Law Review* 2009, 1-2.
- **Casnote** – LJN: AF5930, District Court The Hague, KG 03/137 (diplomatic protection) in *Oxford Reports on International Law in Domestic Courts*, OUP, 2008 (<http://www.oup.com/online/ildc/>)
- **Casnote** – LJN: AU0095, Administrative Jurisdiction Division of the Council of State, (ILO Conventions), in *Oxford Reports on International Law in Domestic Courts*, OUP, 2008 (<http://www.oup.com/online/ildc/>).
- **Casnote** – LJN: AV0802, Central Appeals Court for the Public Service and Social Security Matters, (provisional treaty application), in *Oxford Reports on International Law in Domestic Courts*, OUP, 2008 (<http://www.oup.com/online/ildc/>).
- **Casnote** – LJN: AA7995, Supreme Court, (treaty interpretation), in *Oxford Reports on International Law in Domestic Courts*, OUP, 2008 (<http://www.oup.com/online/ildc/>).
- **Review** - Dan Sarooshi, *International Organizations and their Exercise of Sovereign Powers*, OUP, 2005, 45 *Common Market Law Review* 2008, pp. 925-927.
- **Op-ed** - "Schoon water en sanitatie is mensenrecht", *Dagblad Trouw*, 29-XI 2007.
- **Review** - M. Fitzmaurice & O. Elias, *Contemporary Issues in the Law of Treaties* (Eleven International Publishing, 2005), 54 *Netherlands International Law Review* 2007, 166-168.
- **Editorial** in: 8 *International Community Law Review* 2006, 1-2.
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- **Casnote** – Supreme Court of The Netherlands, 21-5-2002 (LJN: AD9557), in *Oxford Reports on International Law in Domestic Courts*, OUP, 2006 (<http://www.oup.com/online/ildc/>)
- **Casnote** – Court of Appeal Amsterdam, 19-11-2002 (LJN: AF1037, 23-003075-01), in *Oxford Reports on International Law in Domestic Courts*, OUP, 2006, (<http://www.oup.com/online/ildc/>)
- **Review** - M.A. Bengwayan, *Intellectual and Cultural Property Rights of Indigenous and Tribal Peoples in Asia*, Minority Rights Group Report, 2003, in: 2004 *International Journal on Minority & Group Rights*, Vol. 11, 327-328.
- **Review** - Nathan Lerner, *Religion, Beliefs, and International Human Rights*, New York, 2000, Orbis Books, Maryknoll New York, in: 2002 *International Journal on Minority and Group Rights*, Vol. 9, pp 295-298.
- **Review** - P. Thornberry, *Indigenous Peoples and Human Rights*, Manchester, 2002, in: 9 *International Journal on Minority and Group Rights* 2002, pp 377-379.
- **Editorial** in: 2002 *Non-State Actors and International Law*, nr. 2, pp 211-212.
- **Review** - Mark W. Janis & Carolyn Evans (eds.), *Religion and International Law*, The Hague, Martinus Nijhoff, 1999, in 2001 *Non-State Actors and International Law* 1, pp 219-222.
- **Report** - "The Legal Framework of Dutch foreign Policy", *Reports to the 14th International Congress of Comparative Law*, Asser Institute, the Hague, 1994, pp 213-230.
- **Article** "Staten en Inheemse Volken" in 6 *VN Forum* 1993, pp 29-32 (with M Zieck).
- **Article** "Alle soglie del Grand Tour, il Viaggio di Marcello Sacchetti nelle Province Unite", *LXI Bulletin de l'Institut Belge de Rome* 1991, pp 85-104.