

PUBLICATIONS

(October 2019)

Monograph

Fluchtverursachung als völkerrechtliches Delikt. Die völkerrechtliche Verantwortlichkeit des Herkunftsstaates für die Verursachung von Fluchtbewegungen [‘Causing Refugee Flows as a Delict under Public International Law. State Responsibility of the State of Origin for the Causation of Refugee Flows’], Duncker & Humblot, Berlin **2002**, 976 pages.

Reviewed by:

Gilbert Gornig, (2003) *Zeitschrift für Ausländerrecht (ZAR)* 324 f.;

Christian Hillguber, ‘Flucht aus dem Völkerrecht’, *Frankfurter Allgemeine Zeitung (FAZ)* of 17 September 2003, p. 9 and

(2003) 4(12) *German Law Journal* 1382 f.;

Ulrike Brandl, (2006) *Zeitschrift für Öffentliches Recht* 519.

Michael Fuchs, ‘Fluchtverursachung und das Völkerrecht’ (2015) 68 *Die öffentliche Verwaltung* 1031.

Subject of a half-hour interview on *Deutschlandfunk* (German national news radio programme, equivalent of BBC Radio 4) in the programme: *Essay und Diskurs: flucht ff* on 30 August 2015, <http://www.deutschlandfunk.de/essay-und-diskurs.1183.de.html?cal:month=8&drbm:date=2015-08-30>

Edited Books

- *Constructing Legal Orders in Europe: The General Principles of EU Law* (Edward Elgar, *Research Handbook* (forthcoming **2019**)).
- *The UK and European Human Rights – A Strained Relationship?* (Oxford Hart Publishing, **2015**, with E Wicks and L Hodson).
- *Current Problems in the Protection of Human Rights in Germany and the UK* (Oxford, Hart Publishing **2013**, with PM Huber).
- *Englisches Handels- und Wirtschaftsrecht* [English Commercial and Economic Regulatory Law] (Frankfurt, *Recht und Wirtschaft* **2012**, with V Triebel, M Illmer, W-G Ringe and S Vogenauer).
- *Constitutionalism and the Role of Parliaments* (Oxford, Hart Publishing **2007**) (with Denis Baranger, Anthony W. Bradley).

Reviewed by:

Ludwig Gramlich (2008) *Heidelberg Journal of International Law* 568-573;

Adam Tomkins [2008] *Public Law* 613-617.

- *Human Rights and Private Law: Privacy as Autonomy* (Oxford, Hart Publishing **2007**).

Reviewed by: Elspeth Reid (2009) *Edinburgh Law Review* 182 f.

Articles in Refereed Journals and Chapters in Edited Collections

Forthcoming

- ‘The General Principles of EU Law: Concept, Criteria, Context and Consequences’, in Ziegler, Neuvonen, Moreno-Lax (eds), *Research Handbook on The General Principles of EU Law* (Edward Elgar, forthcoming 2020). (with Päivi Neuvonen)
- ‘Human Rights and General Principles: The EU Charter of Fundamental Rights and Beyond’, in Ziegler, Neuvonen, Moreno-Lax (eds), *Research Handbook on The General Principles of EU Law* (Edward Elgar, forthcoming 2020).
- ‘Is ‘Autonomy’ of the EU Legal Order a General Principle? Perspectives from EU and Public International Law’ in Ziegler, Neuvonen, Moreno-Lax (eds), *Research Handbook on The*

General Principles of EU Law (Edward Elgar, forthcoming 2020), (with Violeta Moreno-Lax).

- 'Kant, War and the Rule of Law', in Ester Herlin-Karnell and Enzo Rossi (eds), *From Constitutionalism to War: The Public Uses of Coercion and Force* (forthcoming OUP 2020).
- 'BREXIT: Rechtliche und politische Herausforderungen für das Vereinigte Königreich', in Markus Ludwigs and Stefanie Schmahl (eds), *Die EU zwischen Niedergang und Neugründung: Wege aus der Polykrise* (forthcoming Nomos 2020).
- 'Der Brexit. Zu Ursachen, Austrittsverfahren und Perspektiven', in Arnd Uhle (ed), *Quo vadis Europa? – Gegenwarts- und Zukunftsfragen der europäischen Einigung* (forthcoming Duncker & Humblot, Berlin 2020).
- 'EU-UK Relationship post Brexit' in M Dausen and M Ludwigs (eds), *Handbuch des EU-Wirtschaftsrechts* (forthcoming CH Beck, Munich 2020)
- 'International Law and EU Law: Between Asymmetric Constitutionalisation and Fragmentation', in Alexander Orakhelashvili (ed) *Research Handbook on the Theory of International Law* (2nd edn, Cheltenham, Elgar 2020).
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2019

- 'The Use of Force by the United Kingdom: Evolution of Accountability', in Curtis Bradley (ed), *Oxford Handbook of Comparative Foreign Relations Law* (Oxford University Press 2019) 771-789.
- 'AWACS I (Ger)', in R Grote, R Wolfrum and F Lachenmann (eds), *Max Planck Encyclopedia of Comparative Constitutional Law (MPECCoL 2019)*.

2017

- 'Autonomy: From Myth to Reality – or Hubris on a Tightrope? EU Law, Human Rights and International Law', in Sionaidh Douglas-Scott and Nicholas Hatzis (eds) *Research Handbook on EU Human Rights Law* (Cheltenham, Edward Elgar 2017), Chapter 12, 267-307.
- 'Immunity v Human Rights: The Right to a Remedy after *Benkharbouche*', (2017) 17 *Human Rights Law Review* 127-151.

2016

- 'Beyond Pluralism and Autonomy: Systemic Harmonisation as a Paradigm for the Interaction of EU Law and International Law' (2016) 35 *Yearbook of European Law* 667-711.
- 'The Relationship between EU law and International Law', in Dennis Patterson and Anna Södersten (eds), *Blackwell Companion for European Union Law and International Law* (Hoboken, NJ, Wiley-Blackwell 2016), 42-61.

2015

- 'The UK and European Human Rights – A Strained Relationship?' in KS Ziegler, E Wicks and L Hodson (eds), *The UK and European Human Rights - A Strained Relationship?* (Oxford Hart Publishing 2015), 3-18 (Chapter 1, with E Wicks and L Hodson).
- 'The UK and European Human Rights: Some Reflections' in KS Ziegler, E Wicks and L Hodson (eds), *The UK and European Human Rights - A Strained Relationship?* (Oxford Hart Publishing 2015), 495- 515 (Chapter 25, with E Wicks and L Hodson).

2013

- 'Introduction: Current Problems in the Protection of Human Rights in Germany and the UK', in KS Ziegler and PM Huber (eds) *Current Problems in the Protection of Human Rights in Germany and the UK* (Oxford, Hart Publishing 2013), 1 with PM Huber.

2012

- Entries
 - 'Domaine Reservé',
 - 'Jay Treaty (1794)',
 - 'Trendtex Trading Corporation v Central Bank of Nigeria',
 in Rüdiger Wolfrum (ed), *Max Planck Encyclopedia of Public International Law* (Oxford, Oxford University Press 2012 and with OUP online, with regular updates).
- 'Englisches Wettbewerbsrecht' [English Competition Law], in V Triebel, M Illmer, W-G Ringe, S Vogenauer and K Ziegler (eds), *Englisches Handels- und Wirtschaftsrecht* [English Commercial and Economic Law] (Frankfurt, Recht und Wirtschaft 2012), chapter 7, pp. 327-389.

2011

- *The evolution of fundamental rights charters and case law: a comparison of the European and the United Nations systems* (together with L Lazarus, N Ghanea, C Costello, European Parliament, Directorate General for Internal Policies 2011 (250 pages), http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/432755/IPOL-AFCO_ET%282011%29432755_EN.pdf).
- 'International Law and EU Law: Between Asymmetric Constitutionalisation and Fragmentation', in Alexander Orakhelashvili (ed) *Research Handbook on the Theory of International Law* (Cheltenham, Elgar 2011), chapter 10, pp. 268-327.
- "'Abuse of Law" in the Context of Free Movement of Workers', in Rita de la Feria and Stefan Vogenauer (eds), *The Prohibition of Abuse of Law – A New General Principle of EU Law?* (Oxford, Hart Publishing 2011), chapter 21, pp. 295-314.

2009

- 'Strengthening the Rule of Law, but Fragmenting International Law: The *Kadi* Decision of the ECJ from the Perspective of Human Rights', (2009) 9 *Human Rights Law Review* 288-305.
- 'Building a Peoples' Europe: Political Rights of Foreigners. Freedom of Expression, Assembly and Association and Electoral Rights from the Perspective of EC Law and the ECHR' in Hartmut Bauer, Pedro Cruz Villalón and Julia Iliopoulos-Strangas (eds), *The 'New Europeans': Migration and Integration in Europe* (Baden-Baden/Brussels/Athens, Nomos Verlag/Bruylant/Ant. N. Sakkoulas 2009), pp. 385-424.
- 'Trendtex Trading Corporation v Central Bank of Nigeria' in Rüdiger Wolfrum (ed), *Max Planck Encyclopedia of Public International Law* (Oxford, Oxford University Press 2009).

2008

- 'Domaine Reservé' in Rüdiger Wolfrum (ed), *Max Planck Encyclopedia of Public International Law* (Oxford, Oxford University Press 2008).
- 'Jay Treaty (1794)' in Rüdiger Wolfrum (ed), *Max Planck Encyclopedia of Public International Law* (Oxford, Oxford University Press 2008).
- 'Patrimonio Culturale e Diritti Umani', in Centro Internazionale di Studi Gentiliani (ed), *Alberico Gentili: La salvaguardia dei beni culturali nel diritto internazionale* (Milano, Giuffrè 2008) 511-543. Also published in English 'Cultural Heritage and Human Rights' as Oxford Legal Studies Research Paper No. 26/2007 (SSRN).

- ‘Vereinigtes Königreich’, in: Jörg Philipp Terhechte (ed), *Internationales Kartell- und Fusionskontrollverfahrensrecht. International Cartel and Merger Enforcement Law*, [chapter on UK Competition Law in a comparative-law handbook on competition law] (Bielefeld, Giesecking Verlag 2008) § 13.

2007

- ‘Executive Powers in Foreign Policy: The Decision to Dispatch the Military’ in: Katja S. Ziegler, Denis Baranger, Anthony W. Bradley (eds), *Constitutionalism and the Role of Parliaments* (Oxford, Hart Publishing 2007) pp. 141-166.
- ‘Constitutionalism and the Role of Parliaments’ in: Katja S. Ziegler, Denis Baranger, Anthony W. Bradley (eds), *Constitutionalism and the Role of Parliaments* (Oxford, Hart Publishing 2007) pp. 1-13 (together with D Baranger and AW Bradley).
- ‘The Princess and the Press: Privacy after *Caroline von Hannover v. Germany*’ in: Katja S. Ziegler (ed), *Human Rights and Private Law: Privacy as Autonomy* (Oxford, Hart Publishing 2007) pp. 189-208.
- ‘Introduction: Human Rights and Private Law: Privacy as Autonomy’ in: Katja S. Ziegler (ed), *Human Rights and Private Law: Privacy as Autonomy* (Oxford, Hart Publishing 2007) pp. 1-10.

2006

- ‘The Model of a “Parliamentary Army” under the German Constitution’, in: House of Lords Select Committee on the Constitution, *Waging War: Parliament’s Role and Responsibility* (15th Report of Session 2005-06), Volume II: Evidence (HL Paper 236-II, London, The Stationary Office 2006) pp. 31-46, 56-59.
- ‘The Legal Framework of Trafficking and Smuggling in Germany: Victim Protection Emerging from Witness Protection?’ in: Elspeth Guild, Paul Minderhoud (eds), *Immigration and Criminal Law in the European Union: The Legal Measures and Social Consequences of Criminal Law in Member States on Trafficking and Smuggling in Human Beings* (Leiden, The Netherlands, Martinus Nijhoff Publishers 2006) pp. 65-111.

Prior to 2005

- ‘Integrating Integration?’ Editorial (also Special Editor of the issue) in (2005) 7 (2) *European Journal of Migration and Law*, 119-122.
- ‘Criminal Victims/Witnesses of Crimes: The Criminal Offences of Smuggling and Trafficking of Human Beings in Germany, Discretionary Residence Rights, and Other Ways of Protecting Victims’ (2005) 6 (3) *German Law Journal*, 605-648.
- ‘Diskussionsbericht’ [Conclusions] in: Constance Grewe, Christoph Gusy, (eds), *Menschenrechte in der Bewährung. Die Rezeption der EMRK in Deutschland und Frankreich im Vergleich* [Human Rights in Practice. The Reception of the ECHR in Germany and France Compared] (Baden-Baden, Nomos 2005) pp. 362-373.
- ‘Grundfreiheiten und soziale Dimensionen des Binnenmarktes – die Verfassung als Impuls?’ [Market Freedoms and Social Dimensions of the Common Market – Impulses from the EU-Constitution?] in: Armin Hatje & Jörg Philipp Terhechte (eds), *Das Binnenmarktziel in der europäischen Verfassung, Europarecht 2004* (Special Issue), pp. 13–39.
- ‘Integration und Ausgrenzung im Lichte der Migrationspolitik der Europäischen Union – die “Festung Europa”?’ [‘Integration and Exclusion in the Light of the Migration Policy of the European Union – “Fortress Europe”?’], in: Konrad Sahlfeld, Martina Caroni, Anna Chudozilov (eds), *Integration und Recht* (München, Beck Verlag 2003) pp. 127-179.
- ‘Der Volksbegriff des Grundgesetzes: Ist die Position des Bundesverfassungsgerichts alternativenlos?’ in: Ulrike Davy (ed), *Politische Integration der ausländischen Wohnbevölkerung* (Baden-Baden, Nomos 1999) pp. 222 - 247 [‘The meaning of the term

“people” in the German Constitution and the position of the German Constitutional Court’, together with Christoph Gusy].

- ‘Diskussionsbericht’ [Conclusions] in: Ulrike Davy (ed), *Politische Integration der ausländischen Wohnbevölkerung* (Baden-Baden, Nomos **1999**) pp.248 - 261 [report of the discussions at the conference ‘Political Integration of Foreign Permanent Residents in Germany’].
- ‘Regelungsmöglichkeiten für eine europäische Einwanderungsgesetzgebung’ in: Albrecht Weber (ed), *Einwanderungsland Bundesrepublik Deutschland in der Europäischen Union: Gestaltungsauftrag und Regelungsmöglichkeiten* (Osnabrück **1997**) pp. 331 – 343 [‘Options for a European Immigration Legislation’, together with Christoph Gusy].
- ‘Menschenrechtsfragen elektronischer Personenüberwachung’ (**1996**) *Journal für Rechtspolitik* 193 - 206 [‘Human Rights Questions of Electronic Surveillance’, together with Christoph Gusy].