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2	A. Claire Cutler (2001), 'Critical Reflections on the Westphalian Assumptions of International Law and Organization: A Crisis of Legitimacy', <i>Review of International Studies</i> , <b>27</b> , pp. 133–50.	19
3	Jan Klabbers (2003), '(I Can't Get No) Recognition: Subjects Doctrine and the Emergence of Non-State Actors', in Jarna Petman and Jan Klabbers (eds), <i>Nordic Cosmopolitanism. Essays in International Law for Martti Koskenniemi</i> , Leiden/Boston: Martinus Nijhoff, pp. 351–69.	37
4	Daniel Thürer (1999), 'The Emergence of Non-Governmental Organizations and Transnational Enterprises in International Law and the Changing Role of the State', in Rainer Hofmann (ed.), <i>Non-State Actors as New Subjects of International Law</i> , Berlin: Duncker & Humblot, pp. 37–58.	57
5	Janne E. Nijman (2007), 'Paul Ricoeur and International Law: Beyond "The End of the Subject"'. Towards a Reconceptualization of International Legal Personality', <i>Leiden Journal of International Law</i> , <b>20</b> , pp. 25–64.	79

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6	Robert McCorquodale (2006), 'The Individual and the International Legal System', in Malcolm Evans (ed.), <i>International Law</i> (2nd edn), Oxford: Oxford University Press, pp. 307–32.	121
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8	Oscar Schachter (1977), 'The Invisible College of International Lawyers', <i>Northwestern University School of Law Review</i> , <b>72</b> , pp. 217–26.	173

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- 9 Michael J. Struett (2004), 'NGOs, the International Criminal Court, and the Politics of Writing International Law', in I.F. Dekker and W.G. Werner, *Governance and International Legal Theory*, Leiden/Boston: Martinus Nijhoff, pp. 321–53. 187
- 10 Kenneth Anderson (2000), 'The Ottawa Convention Banning Landmines, the Role of International Non-governmental Organizations and the Idea of International Civil Society', *European Journal of International Law*, **11**, pp. 91–120. 221

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- 11 Lance Bartholomeusz (2005), 'The *Amicus Curiae* before International Courts and Tribunals', *Non-State Actors and International Law*, **5**, pp. 209–86. 253

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- 12 Alix Gowlland Gualtieri (2002), 'The Environmental Accountability of the World Bank to Non-State Actors: Insights from the Inspection Panel', *British Yearbook of International Law*, **72**, pp. 213–53. 333
- 13 Andrea Bianchi (1997), 'Globalization of Human Rights: The Role of Non-state Actors', in G. Teubner (ed.), *Global Law without a State*, Aldershot: Dartmouth, pp. 179–212. 375

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- 15 William A. Schabas (2002–2003), 'Punishment of Non-State Actors in Non-International Armed Conflict', *Fordham International Law Journal*, **26**, pp. 907–33. 465
- 16 Jill Marshall (2005), 'Torture Committed by Non-State Actors: The Developing Jurisprudence from the *Ad Hoc* Tribunals', *Non-State Actors and International Law*, **5**, pp. 171–82. 493
- 17 Robert McCorquodale and Penelope Simons (2007), 'Responsibility Beyond Borders: State Responsibility for Extraterritorial Violations by Corporations of International Human Rights Law', *Modern Law Review*, **70**, pp. 599–626. 505
- 18 Erik B. Bluemel (2005), 'Overcoming NGO Accountability Concerns in International Governance', *Brooklyn Journal of International Law*, **31**, pp. 139–206. 533

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