

## LIST OF PUBLICATIONS

### **Doctoral dissertation**

1. "The Competing Jurisdictions of International Court and Tribunals: which Rules Govern?", Supervisor: Philippe Sands, Ph.D. awarded on 31 October 2001, published in revised form as a book (Oxford University Press, 2003)

### **Books**

2. "Manual on International Court and Tribunals" (co-written with Philippe Sands and Ruth Mackenzie), 1999, 346 pp., Butterworths, London
3. "The Competing Jurisdictions of International Courts and Tribunals", 2003, 348 pp., Oxford University Press, Oxford
4. "International Law between War and Peace" (co-written with Orna Ben Naftali), 2006, 488 pp., Ramot, Tel Aviv University, Tel Aviv, in Hebrew
5. "Regulating Jurisdictional Interactions between National and International Courts", 2007, 216 pp., Oxford University Press, Oxford
6. "Manual on International Court and Tribunals" (co-written with Ruth Mackenzie and Cesare Romano) (2010), 500 pp., Oxford University Press, Oxford  
\* Shany responsible for writing one third of the book
7. "Assessing the Effectiveness of International Courts" (with participation of 6 co-authors)(forthcoming in 2012), est. 350 pp., Oxford University Press, Oxford  
\* Shany responsible for writing 2/3 of the book and co-writing the remaining third

### **Books edited**

8. "Economic, Social and Cultural Rights in Israel" (co-edited with Yoram Rabin), 2004, 1013 pp., Ramot, Tel Aviv University, Tel Aviv, in Hebrew
9. "Sovereignty, Supremacy, Subsidiarity: The Shifting Allocation of Authority in International Law" (co-edited with Tomer Broude), 2008, 437 pp., Hart Publishing, Oxford
10. "Multi-Sourced Equivalent Norms in International Law" (Co-edited with Tomer Broude)(2011). 300 pp. Hart Publishing, Oxford
11. "Handbook on International Adjudication" (Co-edited with Cesare Romano and Karen Alter)(2012) est. 600 pp. Oxford University Press, Oxford

### **Chapters in Collections**

12. "Israeli Counter-Terrorism Measures: Are They 'Kosher' under International Law?", 22 pp. in Michael N. Schmitt (ed.), "Terrorism and International Law: Challenges and Responses", 2003, International Institute of Humanitarian Law, San Remo
13. "International Economic, Social and Cultural Rights: How can they be Invoked by Israeli Court?", 49 pp., in Yoram Rabin and Yuval Shany "Economic, Social and Cultural Rights in Israel" 2004, Ramot, Tel Aviv University, Tel Aviv, in Hebrew.

14. "Stuck in a Moment in Time: The International Justiciability of Economic, Social and Cultural Rights", 30 pp. in Daphna Barak-Erez and Aeyal Gross (eds.) "Exploring Social Rights", 2007, Hart Publishing Oxford
15. "Similarity in the Eye of the Beholder: Revisiting the Application of Rules Governing Jurisdictional Conflicts in the *Lauder/CME* cases", 19 pp., in Arthur Rovine (ed.) "Contemporary Issues in International Arbitration and Mediation" 2008, Martinus Nijhoff Publishing
16. "Self Determination and Uti Possidetis as Applied in the Case of Kosovo: Are the Two Principles Conflicting or Complementary in Nature?", 7 pp. in GUAM, Basic Principles for the Settlement of the Conflicts on the Territories of the GUAM States, 2008, GUAM.
17. "From New York to Srebrenica and Darfur: The Roads to and from the Genocide Convention", 25 pp. in Paola Gaeta (ed.) "The UN Genocide Convention: A Commentary" 2009, Oxford University Publishing
18. "International Dispute Settlement", 20 pp, in Robbie Sabel (ed.) "Public International Law", 2009, Sacher Institute Publishing (in Hebrew)
19. "Dédoublément fonctionnel" and the Mixed Loyalties of National and International judges", 16 pp., in Filippo Fontanelli, Giuseppe Martinico & Paolo Carrozza (eds.), Shaping Rule of Law Through Dialogue: International and Supranational Experiences, 2009, Europa
20. "Human Rights and Humanitarian Law as Competing Legal Paradigms for Fighting Terror", 25 pp., in Orna Ben Naftali (ed), Collected Courses of the Academy of European Law: Human Rights and International Humanitarian Law, Vol. XIX/1 (2010) 1
21. "Two Sides of the Same Coin? Judging Milošević and Serbia before the ICTY and ICJ", est. 30 pp, in Timothy Waters (ed.), Milosevic - An Autopsy (Forthcoming in 2011)
22. "The Legitimacy Paradox and Self-Representation", est. 8 pp, in Timothy Waters (ed.), Milosevic - An Autopsy (Forthcoming in 2011)
23. "One Law to Rule Them All: Should International Courts be viewed as Guardians of Procedural Order and Legal Uniformity?", est. 20 pp. , in Andre Nollkaemper and Ole Kristian Fauchald (eds.), Unity or Fragmentation of International Law: the Role of International and National Tribunals (Forthcoming in 2011)
24. "Judicial Independence as an Indicator of International Court Effectiveness: A goal-based approach", est. 15 pp., in Shimon Shetreet and Christopher Forsyth (eds.), The Culture of Judicial Independence: Conceptual Foundations and Practical Challenges (Forthcoming in 2011)
25. "Should the Implementation of International Rules in Domestic Courts be Bolstered?", est. 10 pp. in Antonio Cassese (ed), Realistic Utopia (Forthcoming in 2011)
26. "The Legitimacy-Deficit of Special International Criminal Tribunals", est. 15 pp., in Fionnuala Ni-Aolain and Oren Gross (eds.), Exceptional Courts and Military Commissions (Forthcoming in 2011)

27. "Guarding the Guards in the war against terrorism", est. 20pp, in Amicahi Cohen and Christopher Ford (eds.), *Rethinking the Law of Armed Conflict in the Age of Terrorism* (Forthcoming in 2012)

### Articles

28. "Chromalloy: U.S. Law and International Arbitration at the Crossroads" (co-written with Stephen T. Ostrowski), 73 *New York University Law Review* (1998) 1650, 43pp.
29. "The Right to a Satisfactory Environmental as a Human Right under International Law", 6 *Hamishpat* (2001 )297, 31pp., in Hebrew.
30. "Domestic Violence as a Form of Torture under International Law", 7 *Hamishpat* (2002) 151, 40pp., in Hebrew.
31. "The Sharon Case: Revisiting the Doctrine of Command Responsibility" (co-written with Keren Michaeli), 34 *New York University Journal of International Law and Politics* (2002) 797, 89pp.
32. "Bargaining under the Shadow of the Court: Domestic and International Perspectives", 1 *Nekudat Mifgash* (2003) 46, 28 pp., in Hebrew.
33. "The Entry into force of the Rome Statute: What are its implications for the State of Israel" 15 *Hamishpat* (2003) 28, 17 pp., in Hebrew
34. "Living in Denial: The Application of Human Rights in the Occupied Territories" (co-written with Orna Ben Naftali), 37 *Israel Law Review* (2004) 17, 101 pp.
35. "The Israeli Constitutional Revolution: Has the Time Come for Protecting Economic and Social Rights?" (co-written with Yoram Rabin), 37 *Israel Law Review* (2004) 299, 46 pp.
36. "Does One Size Fit All? Reading the Jurisdictional Provisions of the New Iraqi Special Tribunal Statute in the light of the Statutes of other International Criminal Tribunals", 2 *International Journal of Criminal Justice* (2004) 338, 8 pp.
37. "The First MOX Plant Award: Coordinating between Competing Environmental Regimes and Dispute Settlement Procedures", 17 *Leiden Journal of International Law* (2004) 815, 12 pp.
38. "Capacities and Inadequacies: A Look at the Two Separation Barrier Cases", 38 *Israel Law Review* (2005) 230, 16pp.
39. "The Right to a Satisfactory Environment as a Human Right in the Recent Adam, Teva Va-Din Case : Did the Supreme Court of Israel Satisfactorily Use International Law?" IV *The ICFAI Journal of Environmental Law*(2005) 59, 6pp.
40. "Toward a General Margin of Appreciation Doctrine", 16 *European Journal of International Law* (2005) 907, 33 pp.
41. "Contract Claims v. Treaty Claims: Mapping the Conflicts between ICSID Decisions on Multi-Sourced Investment Claims", 99 *American Journal of International Law* (2005) 835, 16 pp., review note
42. "How Supreme is the Supreme Law of the Land? A Comparative Analysis of the Influence of International Human Rights Conventions upon the Interpretation of Constitutional Texts by Domestic Courts", 31 *Brooklyn Journal of International Law* (2006) 341, 63 pp.

43. "Head against the Wall? Israel's Rejection of the Advisory Opinion on the Legal Consequence of the Construction of a Wall in the Occupied Palestinian Territories", 7 Yearbook of International Humanitarian Law (2006) 352, 20 pp.
44. "Consolidation of Arbitration Proceedings: Is International Law of any Relevance?", 21 ICSID Review – Foreign Investment Journal (2006) 135, est. 14 pp.
45. "Jurisdictional Competition between International and National Courts: Should International Jurisdiction-Regulating Rules Apply", XXXVII Netherlands Yearbook of International Law (2007) 3, 54 pp.
46. "The Prohibition against Torture and Cruel, Inhuman and Degrading Treatment and Punishment: Can the Absolute be Relativized under Existing International Law?" 56 Catholic University Law Review (2007) 837, 30 pp.
47. "The Case for Judicial Review over Social Rights: Israeli Perspectives" (co-written with Yoram Rabin), Israel Affairs (forthcoming in 2007), est. 25 pp.
48. "A Development of Modest Proportions: The Application of the Principle of Proportionality in the *Targeted Killings* Case" (co-written with Amichai Cohen) 5 Journal of International Criminal Justice (2007) 310, 11 pp.
49. "A Pragmatic Objection to Moral Distinctions: A Comment on 'The Morality and Law of War'" 40 Israel Law Review (forthcoming on 2007), est. 15 pp.
50. "Judicial Independence in The Hague and Freetown: A Tale of Two Cities" (co-written with Sigall Horowitz), 21 Leiden Journal of International Law (2007) 113, 17 pp.
51. "Faraway So Close: The Legal Status of Gaza after Israel's Disengagement", 8 Yearbook of International Humanitarian Law 2005 (2007) 359, 15 pp.
52. "Redrawing Maps, Manipulating Demographics: On Exchange of Populated Territories and Self-Determination", 2 Journal of Law and Ethics of Human Rights (2008) 286, 26 pp.
53. "Binary Law Meets Complex Reality: The Occupation of Gaza Debate", 41 Israel Law Review (2008) 68, 18 pp.
54. "Squaring the Circle: Independence and Impartiality of Party-Appointed Adjudicators in International Legal Proceedings", 30 Loyola of Los Angeles Journal of International and Comparative Law Review (2009) 473, 17 pp.
55. "The Law Applicable to Non-Occupied Gaza", 42 Israel Law Review (2009) 101, 16 pp.
56. "No Longer a Weak Department of Power? Reflections on the Emergence of a New International Judiciary", 20 European Journal of International Law (2009) 73, 18 pp.
57. "The Analogy's Limit: Defending the Rights of Peoples", 7 J.I.C.J. (2009) 541, 12 pp.
58. "National Courts as International Actors: Jurisdictional Implications", 31 pp. [www.federalismi.it](http://www.federalismi.it) (2009)(web-journal)
59. "In Defence of Functional Interpretation of the Rome Statute: A Response to Yaël Ronen's "ICC Jurisdiction over acts Committed in the Gaza Strip", 8 J.I.C.J. (2010) 329, 15 pp.

60. "The Israeli Supreme Court and the Incremental Expansion of the Scope of International Law on Belligerent Occupation" (with Guy Harpaz), 43(3) *Israel Law Review* (forthcoming in 2011), est. 30 pp.  
Shany contributed 50% of work on the article
61. "Compliance with Decisions of International Courts as Indicative of their Effectiveness: A Goal-Based Analysis", *ESIL Proceedings* (forthcoming in 2011), est. 15 pp (refereed publication process)
62. *Assessing the Effectiveness of International Courts: A Goal-Based Approach*, *A.J.I.L.* (forthcoming in 2012), est. 60 pp.

*Miscellaneous*

63. *Report on the State of Israel (2001)* in *Yearbook of International Humanitarian Law* (T.M.C. Asser, 2004)
64. *Report on the State of Israel (2002)* in *Yearbook of International Humanitarian Law* (T.M.C. Asser, 2004)
65. *Report on the State of Israel (2003)* in *Yearbook of International Humanitarian Law* (T.M.C. Asser, 2005)
66. *Report on the State of Israel (2004)* in *Yearbook of International Humanitarian Law* (T.M.C. Asser, 2006)
67. *Report on the State of Israel (2005)* in *Yearbook of International Humanitarian Law* (T.M.C. Asser, 2006)
68. *Report on Israeli compliance with incorporation obligations under human rights treaties* (co-written with Prof. Ruth Lapidoth and Dr. Orna Ben-Naftali) (50 pp.) (2004)
69. *An Interdisciplinary Look at the Separation Barrier – Symposium* (co-edited with Prof. Frances Raday) (2004)
70. "Bosnia, Serbia and the Politics of International Adjudication", 45 *Justice* (2008) 21, 6 pp.
71. *The Proportionality Principle in International Law – a study prepared for the Israel Democracy Institute* (99 pp.), (in Hebrew)(2009)
72. *Treaty-Making Powers in Israel* (co-written with Moshe Hirsch, Guy Harpaz, Tomer Broude, Barak Medina and Gil-Ad Noam)(2009).
73. "The role of National Courts in Advancing the Goals of International Criminal Tribunals", 6 pp, *ASIL Proceedings 2009* (2010)
74. *Israel and the Additional Protocols to the Geneva Conventions: a Reevaluation* (co-written with Ruth Lapidoth and Ido Rosensweig)(2011) (in Hebrew)
75. *Investigating War Crime Allegations in Israel: Policy Recommendations* (Co-written with Amichai Cohen), (2011) (in Hebrew)