

SELECTED PUBLICATIONS

Prof. Dr. Erika de Wet, LL.M (Harvard)

Books:

2011

Erika de Wet & Juré Vidmar (eds). *Judicial Practice on Hierarchy in International Law: A Place for Human Rights?* (Oxford University Press, Oxford, forthcoming).

2008

Jan Wouters, André Nollkaemper & Erika De Wet (eds). *The Europeanisation of Public International Law: The Status of Public International Law in the EU and its Member States* (T.M.C. Asser Press, The Hague), 260 pp.

2004

The Chapter VII Powers of the United Nations Security Council (Habilitationsschrift, Hart Publishing Ltd., Oxford), 413 pp.

André Nollkaemper & Erika de Wet (eds). *Journal of Non-State Actors and International Law: Special Issue on the Application of Public International Law by National Courts*, Vol. 3, (Martinus Nijhoff, The Hague), 85 pp.

2003

Erika de Wet & André Nollkaemper (eds). *Review of the Security Council by Member States* (Intersentia, Antwerp), 160 pp.

1996

The constitutional enforceability of economic and social rights: the meaning of the German constitutional model for South Africa (LL.D. Dissertation, Butterworths, Cape Town), 170 pp.

Online Data Bases:

Since 2011

Rüdiger Wolfrum, Rainer Grote & Erika de Wet (eds), *Oxford Constitutions Online* (to be launched in 2012), <http://www.oup.com/online/us/law/oco/> (Oxford University Press).

Since 2006

André Nollkaemper & Erika de Wet (eds). *International Law in Domestic Courts - (ILDC) Online*, <http://ildc.oxfordlawreports.com> (Oxford University Press, Oxford).

Articles and Book Reviews:

2011/ 2012

“Paradigmen in der internationalen Praxis: Normenhierarchie versus systemische Integration“, , proceedings of the 32nd meeting of the German Society of International Law on *Paradigmen im internationalen Recht*, 31 March – 2 April 2011 (Verlag C.F. Müller, Heidelberg, forthcoming).

“The United Nations collective security system in the 21st Century: increased decentralization through regionalization and reliance on self-defence”, in Doris König et al (eds), *Coexistence, cooperation and solidarity – liber amicorum Rüdiger Wolfrum* (Brill Publishers, Leiden, forthcoming).

“The Status of International Law in the South African Legal Order”, in Dinah Shelton (ed), *International Law and Domestic Legal Systems: Incorporation, Transformation and Persuasion* (Oxford University Press, Oxford, forthcoming).

“The Constitutionalization of Public International Law”, in Michel Rosenfeld & Andras Sajó (eds), *The Oxford Handbook of Comparative Constitutional Law* (Oxford University Press, Oxford, forthcoming).

“Human rights considerations in the enforcement of Security Council sanctions in the EU Legal Order”, in Bardo Fassbender (ed), in *Securing Human Rights? Achievements and Challenges of the UN Security Council* (collected courses of the Academy of European Law, Oxford University Press, Oxford, forthcoming).

“Debating Disobeying the Security Council – is it a matter of ‘a rose by any other name would smell as sweet’? EJIL Book Discussion available at <http://www.ejiltalk.org/category/ejil-book-discussion/> (Antonios Tzanakopoulos, *Disobeying the Security Council- Countermeasures against Wrongful Sanctions*, Oxford University Press, 2011, 233 pp; ISBN-978-0-19-9600076-2).

2010

Erika de Wet & Anel du Plessis, “Measuring environmental rights in South African domestic Law against the positive obligations distilled from international human rights instruments”, 10 *African Human Rights Law Journal*, forthcoming, 345-377.

Erika de Wet & Michael Wood, “Collective Security”, in Rüdiger Wolfrum (ed), *Max Planck Encyclopaedia of Public International Law*, <http://www.mpepil.com/> (Oxford University Press, Oxford).

David Cortright & Erika de Wet, *Human Rights Standards for Targeted Sanctions* (Fourth Freedom Forum and Kroc Institute for International Peace Studies: Sanctions and Security Research Program, Policy Brief SSRP 1001-01), 15 pp, available at http://www.fourthfreedom.org/pdf/10_01_HR_STANDARDS_FINAL_WEB.pdf.

2009

“Holding the United Nations Security Council accountable for human rights violations through domestic and regional courts: a case of ‘be careful what you wish for’?”, in Jeremy Farrall & Kim Rubenstein (eds), *Sanctions Accountability and Governance in a Globalised World* (Cambridge University Press, Cambridge), 143-168.

Erika de Wet & Michael Wood, “Threat to Peace”, in Rüdiger Wolfrum (ed), *Max Planck Encyclopaedia of Public International Law*, <http://www.mpepil.com/> (Oxford University Press, Oxford).

“The Role of European Courts in the Development of a Hierarchy of Norms within International Law: Evidence of Constitutionalisation?”, 5 *European Constitutional Law Review*, 284-306.

“The Governance of Kosovo: Security Council Resolution 1244 and the Establishment and Functioning of Eulex”, 103 *American Journal of International Law*, 83-96.

2008

“The Role of European Courts in Reviewing Conflicting Obligations under International Law”, 6 *International Organizations Law Review*, 359-364.

“The Questionable Legality and Political Wisdom of Kosovo’s Unilateral Declaration of Independence”. 48/406 *Woord en Daad*, 16-22.

“The Relationship between the International Criminal Court and ad hoc Tribunals: Competition or Companionship?”, 83 *Die Friedenswarte*, 33-57.

“Governance through Promotion and Persuasion: The 1998 ILO Declaration on Fundamental Principles and Rights at Work”, 9 *German Law Journal*, 1429-1452.

“Holding International Bureaucracies Accountable: the Complementary Mechanisms of Non-Judicial Oversight and Judicial Review”, 9 *German Law Journal*, 1987-2010.

“The Reception Process in The Netherlands and Belgium”, in Helen Keller & Alec Stone Sweet (eds.), *A Europe of Rights: the Impact of the ECHR on National Legal Systems* (Oxford University Press, Oxford), 229-310.

“The Legitimacy of United Nations Security Council Decisions in the Fight against Terrorism and the Proliferation of Weapons of Mass Destruction: Some Critical Remarks”, in Rüdiger Wolfrum & Volker Röben (eds.), *Legitimacy in International Law*. (Springer, Berlin), 131-154.

2007

"The Emerging International Constitutional Order: the Implications of Hierarchy in International Law for the Coherence and Legitimacy of International Decision-Making", *Potchefstroom Electronic Law Journal*, 2/1-2/27.

“Zur Zukunft der Völkerrechtswissenschaft in Deutschland”, 67 *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht*, pp. 777-798.

2006

“Die unbestimmten Sozialstandards der Inter-Amerikanischen Konvention über Menschenrechte und der Afrikanischen Charta der Menschenrechte und Rechte der Völker”, in Ulrich Becker et al (eds.), *Die Implementierung internationaler Sozialstandards* (Nomos, Baden-Baden), pp. 123-138.

“The UN Security Council's Impact on the Law of Occupation”, Current Challenges to the Law of Occupation. Proceedings of the 6th Bruges Colloquium, 20-21 October 2005, *Collegium*, No. 34 (Special Edition).

Book Review in *Nordic Journal of International Law*, vol. 75, pp. 165-168: Gerry Simpson, *Great Powers and Outlaw States*, Cambridge, Cambridge University Press, 2004, 391 pages.

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“The International Constitutional Order”, 55 *International and Comparative Law Quarterly* (2006), pp. 53-76.

2005

“The Forgotten Prisoners: The Legal Position of the Guantanamo Detainees under International Humanitarian and Human Rights Law”, 45 *Woord en Daad* (2005), pp. 19-25.

“The ‘Friendly but Cautious’ Reception of International Law in the Jurisprudence of the South African Constitutional Court: Some Critical Remarks”, 28 *Fordham International Law Review* (2005), pp. 1529-1565.

“The Security Council as a Law Maker: The Adoption of (Quasi-)-Judicial Decisions”, in Rüdiger Wolfrum & Volker Röben (eds.), *Developments of International Law in Treaty-Making* (Berlin, Springer), pp. 183-225.

2004

“The Prohibition of Torture as an International Norm of *Jus Cogens* and its Implications for National and Customary Law”, *European Journal of International Law*, vol. 15, pp. 97-121.

“The Direct Administration of Territories by the United Nations and its Member States in the Post Cold-War Era: Legal Bases and Implications for National Law”, *Max Planck Yearbook of United Nations Law*, vol. 8, pp. 291-340.

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“The Role of Human Rights in Limiting the Enforcement Power of the Security Council: A Principled View”, in Erika de Wet & André Nollkaemper (eds.), *Review of the Security Council by Member States* (Intersentia, Antwerp) pp. 7-30.

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Erika de Wet & André Nollkaemper. “Review of the Security Council by National Courts”, *German Yearbook of International Law*, vol. 45, pp. 166-202.

“The Relationship between the Security Council and Regional Organizations during Enforcement Action under Chapter VII of the United Nations Charter”, *Nordic Journal of International Law*, vol. 71, pp. 1-37.

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“Human rights limitations to economic enforcement measures under article 41 of the United Nations Charter and the Iraqi sanctions regime”, *Leiden Journal of International Law*, vol. 14, pp. 277-300.

"The protection mechanism under the African Charter and the optional protocol on the African Court of Human and Peoples' Rights", in Gudmundur Alfredsson et al. (eds.), *Human rights monitoring procedures: a textbook on how to petition and lobby international organizations: Festschrift for Jakob Möller*, Deventer, Kluwer, pp. 713-730.

2000

“Judicial Review as an Emerging General Principle of Law and its Implications for the International Court of Justice”, *Netherlands International Law Review* vol. 47, pp. 181-210.

“Judicial Review of the United Nations Security Council and General Assembly through Advisory Opinions of the International Court of Justice”, *Swiss Review of International and European Law*, vol. 10, pp. 237-278.

Erika de Wet & Hennie Strydom, “Implementing international humanitarian law: developments in South Africa and other jurisdictions with special reference to international war crimes tribunals”, *South African Yearbook of International Law*, vol. 23, pp. 43-68.

Book Review in *Internationale Spectator*, vol. 54, pp. 214-216: Willem J. M. van Genugten & Gerard A. de Groot (eds.), *United Nations Sanctions. Effectiveness and Effects, Especially in the Field of Human Rights. A Multi-disciplinary approach*, Intersentia, Antwerp, 1999, xiv + 161.

1999

Book Review in *Nordic Journal of International Law*, vol 68, pp. 369-373: Jochen Herbst, *Rechtskontrolle des UN-Sicherheitsrates*. Kölner Schriften zu Recht und Staat 8. Peter Lang-Verlag, Frankfurt a/Main, 1999, 449 pages.

Book Review in *Nordic Journal of International Law*, vol 68, pp. 363-367: Michael Fraas, *Sicherheitsrat der Vereinten Nationen und Internationaler Gerichtshof: Die Rechtmäßigkeitsprüfung von Beschlüssen des Sicherheitsrats der Vereinten Nationen im Rahmen des VII. Kapitels der Charta durch den Internationalen Gerichtshof*. Studien und Materialien zum Öffentlichen Recht 4, Peter Lang-Verlag, Frankfurt a/M, 1998, LX + 258 pp.

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“The Interpretation of the Equality Clause in the South African Bill of Rights”, in *Amicus Curiae*, Issue 8, pp. 28-30.

"The place of public international law in the new South African constitutional order", in *Recht in Afrika*, vol. 1, pp. 207-234.

1997

"Reformtendenzen im südafrikanischen Gesundheits- und Krankenversicherungssystem: eine erste Bilanz", in *Zeitschrift für Sozialreform*, vol. 43, pp. 477-492.

"Recent developments concerning the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights", in the *South African Journal on Human Rights*, vol. 13, pp. 514-548.

"The ILO and the social clause: Stagnation or progress one step at a time?", in Norbert Malanowski (ed.), *Social and Environmental Standards in International Trade Agreements: Links, Implementations and Prospects*, Münster: Westfälisches Dampfboot, pp. 52-68.

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"Termination of employment law and practice in South Africa: before and after the new Labour Relations Act of 1995", in *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht*, vol. 9, pp. 477-492.

"A German perspective on the constitutional enforceability of the children's and labour Rights in the Interim Bill of Rights with special reference to ""Drittwirkung""", in *Journal of Contemporary Roman Dutch Law*, pp. 577-596.

"The present control machinery under the European Convention on Human Rights, its future reforms and possible implications thereof for the African Court on Human Rights", in the *Comparative and International Law Journal of Southern Africa*, vol. 29, pp. 338-359.

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"Can the social state principle in Germany guide state action in South Africa in the field of social and economic rights?", in the *South African Journal on Human Rights*, vol. 11, pp. 30-49.

"Labour Standards in the globalized economy: the inclusion of a social clause in the GATT/WTO", in *Human Rights Quarterly*, vol. 17, pp. 443-462.

"The positive aspects of certain negative rights in the South African interim Bill of Rights: Identifying certain parallels with "Teilhaberechte" in German Constitutional Law", in *South African Public Law*, vol. 10, pp. 73-106.

"The implications of socio-economic directive principles/ legislative commands with special reference to constitutional principle XI of the South African Transitional Constitution", in *South African Law Journal*, vol. 112, pp. 462-480.

""Drittwirkung" and the application clause; a reply to De Waal", in the *South African Journal on Human Rights*, vol. 11, pp. 610-619.

1994:

Discussion Paper (DP/76/1994) for the International Institute for Labour Studies (ILO, Geneva) on labour standards in the globalized economy.

1993:

Weekly Mail, 5 December 1993, p. 12: "Economic and social rights in the South African Transitional Constitution."

Selected Publications. Books. CRR faculty have published books on a variety of subjects related to reliability engineering, including probabilistic physics-of-failure, decision making and risk management, and probability statistics. Selected Articles. 2012a. "On the persistence of ambiguous linguistic contexts over time: Implications for corpus research on micro-changes", in Joybrato Mukherjee and Magnus Huber, eds., *Corpus Linguistics and Variation in English: Theory and Description*, 231-246. London: Kings College Publications, 143-177. (PDF). 2007a. Brinton, Laurel J. and Elizabeth Closs Traugott. Selected Publications. Google Scholar. Peer Reviewed Journal Papers. Behrendt, L., Salek, M.M., Trampe, E.L., Fernandez, V., Lee, K.S., Hill, M., Stocker, R. (2020) PhenoChip: A single-cell phenomic platform for high-throughput photophysiological analyses of microalgae, *Science Advances* 6(36), eabb2754. Selected Publications of Students. 2021. MEG signatures of long-term effects of agreement and disagreement with the majority Gorin A., Ossadtchi A. et al. *Scientific Reports* 11:3297. Linear functions preserving Green's relations over fields Guterman A., Maksaev A. et al. *Linear Algebra and its Applications* 611, 310-333. A game-theoretical model of the landscape theory Le Breton M., Shapoval A., Weber S. *Journal of Mathematical Economics* 92, 41-46.