Review

Reviewed Work(s): Non-Governmental Organisations in International Law by Anna-Karin Lindblom: NGOs and the United Nations: Institutionalization, Professionalization and Adaptation by Kerstin Martens

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pointing out the damage to all of us from a lawless world. But those of us, especially on this side of the Atlantic, who actually seek to influence U.S. policies will need to deploy additional arguments, ones more sensitive to their targets. We can thank Sands for so deftly diagnosing the disease and its ramifications for the public, but it will require much more than that to convince U.S. decision makers to change course.

STEVEN J. RATNER
Of the Board of Editors

Non-governmental Organisations in International Law. By Anna-Karin Lindblom. Cambridge, New York: Cambridge University Press, 2005. Pp. xxii, 559. Index. $120, £65.

NGOs and the United Nations: Institutionalization, Professionalization and Adaptation. By Kerstin Martens. New York: Palgrave Macmillan, 2005. Pp. xv, 199. Index. $74.95.

The international role of nongovernmental organizations (NGOs) has received a great deal of attention during the past decade among academics and practitioners. In late 2005, two new books were published that grapple with important issues and provide guideposts for future scholars. This review will discuss both books but focus more on the one that is specifically addressed to international law.

Non-governmental Organisations in International Law, by Anna-Karin Lindblom, is an analysis of exactly what the title of the book suggests. Although several interesting books about NGOs are published each year, they typically do not emphasize legal issues but instead examine topics in social science or history. Lindblom's effort has produced the first comprehensive analysis of the phenomenon of NGOs (at least in English) written from the perspective of international law since the fascinating (yet sometimes impenetrable) study by J. J. Lador-Lederer over forty years ago.[1] In early 2005, after Lindblom's book went to press, a fine collection of essays was published on the role of NGOs in international courts.[2]

Lindblom, who is special adviser on human rights issues in the Swedish Ministry of Justice, has sought to investigate the present status of NGOs in international law and to discuss this status in relation to the functioning and legitimacy of the international legal system. Her book is largely a description of existing law, rather than *lex ferenda.* The book has two parts. Part I provides what is called "a theoretical framework" for thinking about NGOs, yet it is more accurately a quick tour through several important definitional, conceptual, doctrinal, and methodological matters. Part II provides a lengthy survey (about three-fourths of the book) of the international legal rules that relate to NGOs in various fields, with an emphasis on human rights. The book largely delivers on what it promises and does so in a well-documented and easily readable fashion.

A treatise on NGOs needs to be premised on a definition of them, and Lindblom quickly points out that "[t]here is no generally accepted definition of the term 'non-governmental organisation' in international law" (p. 36). After surveying various definitions and usages, Lindblom adopts a working definition for purposes of her study that identifies NGOs as being organizations with a formal structure that are established by private initiative, and that are not for profit. In addition, her definition posits that an NGO "does not use or promote violence or have clear connections with criminality" (p. 52). This criterion would be doubtful if meant as an objective definition, but here I take it to be merely a convenient way to simplify the scope of the book. More useful is her conclusion that one cannot easily define an NGO by its objective—for example, whether or not that aim has "international utility" (p. 49).

The book begins with an inquiry into the relationship of NGOs to the legitimacy of international law. Lindblom sees a "democratic deficit in international law" resulting from several factors, including authoritarian governments, the minority status of some peoples and groups within states, and the impact of globalization—the last of

[1] *See* Erich Hula, Book Review, 58 AJIL 1054 (1964) (reviewing J. JOSEF LADOR-LEDERER, INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS AND ECONOMIC ENTITIES: A STUDY IN AUTONOMOUS ORGANIZATION AND JUS GENTIUM, 58 AJIL 1054 (1963)).

[2] CIVIL SOCIETY, INTERNATIONAL COURTS AND COMPLIANCE BODIES (Tullio Treves, Marco Frigessi di Rattalma, Attila Tanzi, Alessandro Fodella, Cesare Pitea, & Chiara Ragni eds., 2005).

which, she says, "weakens or disrupts the links between the decisions affecting the individual and national democratic processes" (p. 22). Using work by Allen Buchanan, Thomas Franck, Jürgen Habermas, David Held, Susan Marks, and others, Lindblom argues that "the ultimate source of legal legitimacy is placed in the individual" (p. 28) and that this presents a problem for international law because "the democratic links between international law and the individual are weak or sometimes non-existent" (p. 23). Ideally, Lindblom could have offered a more detailed discussion of this line of argument, particularly as to why and when indirect links between the "international plane" and individuals are insufficient. Was it always the case, or only so now because of globalization? Lindblom refers approvingly to Susan Marks's "principle of democratic inclusion," which provides that everyone should have a right to a say in decision making that affects them (pp. 10, 27);[3] in this context, Lindblom sees NGOs as providing "diverse and conflicting information, opinions and concerns of different groups" in the forums where international law is made and applied (p. 34). Such communicative action and inclusive discourse from civil society and NGOs strengthen international decision making, she says, building on writings by Habermas. Summarizing her view, Lindblom states that "the participation of NGOs in international law cannot make it 'democratic,'" (p. 35), but that "the legitimacy of international law can be strengthened if international fora are rendered more transparent and more open for participation by a wide range of groups and interests from different sectors and segments of society" (p. 524).

In earlier times, NGOs were not thought to have any formal status in international law, and the book devotes two chapters to considering whether that has changed. The once standard view, exemplified by the 1928 edition of Oppenheim's *International Law,* was that private actors could never acquire international personality or be "subjects" of international law. That strict view, Lindblom says, was a logical deduction from underlying premises and was being questioned even in the era that Oppenheim wrote it. It was put under tension in 1949 in the *Reparations* advisory opinion of the International Court of Justice (ICJ), where the Court held that international persons existed other than states and that the rights and duties of such a person would depend on its purposes and function as specified or implied.[4] Lindblom readily admits an intergovernmental organization (IGO) established by states is quite different from an NGO established by private initiative, but she sees the *Reparations* opinion as a breakthrough because the status of the United Nations was determined not on the basis of an a priori notion, but rather through an analysis of "its actual existence and its functions, purposes and practices" (p. 62). That same approach can be applied to an NGO, the book says, by looking at the rights, duties, and capacities actually conferred by states in a treaty or otherwise. To illustrate, Lindblom points to the Sovereign Order of Malta and the International Committee of the Red Cross (ICRC), which she classifies as NGOs and then shows the ways in which they have acquired a special status in international law. These two organizations, she says, "demonstrate a potential that, at least theoretically, all NGOs have" (p. 63).

The story of the Sovereign Order of Malta is fascinating[5] but does not, in my view, tell us much about whether a never-sovereign organization can gain international status. The ICRC is a firmer precedent for Lindblom because it certainly was an NGO at one time, whatever its status today.[6] Yet the status and privileges the ICRC now enjoys are

[3] SUSAN MARKS, THE RIDDLE OF ALL CONSTITUTIONS 119 (2000). Marks says that this principle "would help justify the efforts of non-governmental organizations to take up a central role in the framing of international law norms." *Id.* at 113.

[4] *See* Reparations for Injuries Suffered in the Service of the United Nations, 1949 ICJ REP. 174, 179–80 (Apr. 11).

[5] *See, e.g.,* Arthur C. Breycha-Vauthier & Michael Potulicki, *The Order of St. John in International Law: A Forerunner of the Red Cross,* 48 AJIL 554 (1954).

[6] Lindblom notes that "the ICRC does not consider itself to be an NGO" (p. 205). A recent study concluded that the ICRC's legal status "is a very special one, which cannot be fitted into existing legal categories: indeed, it is neither an intergovernmental organization nor a non-governmental organization (NGO)." Jean Phillippe Lavoyer, *The International Committee of the Red Cross: Legal Status and Headquarters Agreements, in* THE HANDBOOK OF THE LAW OF VISITING FORCES 471, 476 (Dieter Fleck ed., 2001).

well beyond the reasonable aspirations of even the most world-centric NGOs. Nevertheless, I believe Lindblom's overall conclusion is correct—namely, that it is possible for NGOs to acquire objective personality on the international plane.

The book's next chapter discusses "international legal theory" and proceeds with an exposition of how the actors in international law are examined by commentators. She uses first, a "rule approach," second, a "process approach," and third, the lens of "international law and international relations." Following her admirable efforts to synthesize a large quantity of scholarship, Lindblom says that she will borrow from all of them in order to formulate a "minimalist model" in which states are the dominant actors of international law, though NGOs have a sufficient international political role that "international law will somehow need to deal with this situation" (pp. 110–11). In contrast to the deductive method for understanding international law based on timeless principles, Lindblom says that she will use an "inductive method" in which "the rules, relations and practices that actually exist 'on the ground' are law itself and [in which], at least sometimes, general rules can be induced from many separate rules" (p. 513).

Part II of the book examines state and NGO practice on the ground to explore the evolving legal status of NGOs in the international community. The author begins this examination with an interesting chapter on "rights and obligations." Referring to Hohfeldian categories, Lindblom agrees that there is a necessary relationship between rights and duties. She points out, however, an important distinction between, first, the right of an NGO in a strict sense (that is, being the implication of a state's duty under international law to treat NGOs in a specific manner) and, second, the right of an NGO to institute proceedings before international courts or tribunals or to intervene in such proceedings. An absence of the second kind of right does not undermine the existence of the first, she says. Noting that scholars differ on whether NGOs have rights on the international plane in the strict sense, Lindblom works around this conundrum by following the actual language of treaties. Thus, if a treaty expressly proclaims that individuals or NGOs have a particular "rights," then Lindblom says that she will not "question the validity or 'legality' of rights expressly pronounced in international law" (p. 133). Rights can exist on the international plane even if individuals and NGOs lack power under a treaty to enforce such rights. Yet the existence of an enforcement mechanism in relation to a right provides, she argues, additional evidence that such a right exists.

The book's analysis continues by considering the structure of rights and, in particular, whether an NGO itself can have rights as an organization, or whether the "right" actually belongs to the NGO's individual members. Lindblom concludes that "NGOs as organisations possess some international legal rights in their capacity as organisations, organisation rights, which are related to their existence and functioning" (p. 514). Her examples, however, are limited. Regarding freedom of association and assembly, she finds organizational rights only in International Labour Organization (ILO) conventions (specifically for workers and employers), in the European Convention on Human Rights, and in the UN Declaration on Human Rights Defenders. She also analyzes the International Covenant on Civil and Political Rights but concludes that it does not protect NGOs as such. As for customary international law, she admits that organizational rights would be difficult to find. In addition, she notes that treaty law can place limits on organizational rights of NGOs. For example, the International Convention on the Elimination of All Forms of Racial Discrimination provides in Article 4(b) that states parties "[s]hall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law."

One of the book's strengths is that it gives due attention to cutting-edge issues, such as NGO responsibility. The author says that the "field of international obligations of NGOs has not developed much as yet . . . outside some clearly defined areas, such as humanitarian law" (p. 217), where some obligations apply broadly. She notes that customary international law places nonstate actors under an obligation not to commit genocide or crimes against humanity. With regard to NGOs in particular, she points out that efforts have been under way during the past decade to create and

apply codes for self-regulation, and that such codes are sometimes treated as a contractual obligation by donors. In addition, NGOs in consultative status with IGOs may acquire obligations that become conditions of their consultation opportunities. For example, the UN Economic and Social Council (ECOSOC) has a set of rules, the violation of which can lead to a withdrawal or suspension of consultative status. Lindblom quite properly criticizes the vagueness of these rules, observing that "it is not possible to say exactly what actions NGOs in consultative status with the ECOSOC are obliged to refrain from" (p. 196).

After Lindblom's book went to press, a new World Trade Organization (WTO) dispute decision was handed down with language regarding the international duties for NGOs. In *European Communities—Export Subsidies on Sugar*, after the panel received an unsolicited amicus curiae brief from an association of German sugar producers, the plaintiff government Brazil complained that the association had used confidential business information from Brazil's (nonpublic) submission.[7] As a result, the panel declined any further consideration of the amicus brief, stating that if the German association "wanted to be considered a 'friend of the court', it should have followed an appropriate standard of behaviour towards the Panel and the parties together with making every possible effort to respect WTO dispute settlement rules, including confidentiality rules."[8] One might see in the panel's critical remarks an emerging responsibility norm for NGOs that seek to participate in the WTO's judicial functions.

Lindblom's study gives due attention to the rules in the Geneva Conventions and Additional Protocols regarding the treatment of the ICRC, national Red Cross societies, other impartial humanitarian organizations and bodies, voluntary aid societies, religious organizations, and relief societies. For instance, the Geneva Convention No. III (Article 125) declares that states parties shall give the representatives of organizations assisting prisoners of war "all necessary facilities" for visiting prisoners and distributing relief supplies. Geneva Convention No. I (Article 125) declares that military authorities shall permit inhabitants and relief societies to collect and care for wounded or sick of whatever nationality. The book also points out that the legal status of NGOs in humanitarian law cannot be explained away as being merely about the Red Cross because many of the treaty provisions apply to other qualifying organizations.

Another chapter of the book examines the NGO role as a party before international judicial and quasi-judicial bodies, and reports that "States are increasingly institutionalising the participation of non-state actors in international proceedings" (p. 218). Legal standing for NGOs is limited in international courts, with the best example being the European Court of Human Rights. In the future, the new African Court on Human and Peoples' Rights will allow NGO petitions against states that agree to this optional provision. NGOs have greater access to quasi-judicial or administrative mechanisms, however, such as the procedure of the UN Educational, Scientific and Cultural Organization for investigating allegations of human rights violations. An NGO may submit a communication on behalf of victims; the NGO does not itself have to be a victim. The book also discusses the NGO role as counsel for individuals before international bodies. This role is not a unique to NGOs, but in my view, such a function can be vital in fructifying access to justice for individuals.

The book surveys "non-party participation" in judicial or quasi-judicial forums, which occurs principally when an NGO submits an amicus curiae brief. The author notes that the ICJ does not accept amicus briefs in advisory proceedings, and in her view it is not surprising "that the Court seeks to protect its integrity by being cautious about letting the interests of non-state actors enter the Court room"; if it were not, "there would probably be strong opposition from states" (p. 363). Yet Lindblom also suggests that a different stance could be appropriate when cases invoke "public interests which are independent of national borders" (*id.*), such as the *Nuclear Weapons* case. She notes approvingly a point made by Dinah Shelton that NGO submissions can be

[7] WTO Doc. WT/DS266/R, paras. 7.76, 7.82 (Oct. 15, 2004) (adopted May 19, 2005).

[8] *Id.*, para. 7.84. The panel questioned the association about the information in its brief, but the association refused to disclose the source of its information. *Id.*, para. 7.82.

appropriate when a case concerns obligations *erga omnes*.[9]

Lindblom points out that a more permissive practice exists in the International Criminal Tribunals for Rwanda and the Former Yugoslavia, which have been open to intervention by amici. She calls this practice "somewhat surprising" because "such submissions may be a disadvantage for the accused" (p. 364). Her point may deserve more attention.

After this discussion of judicial functions, the book devotes two chapters to the recent activities of NGOs in international organizations and conferences. The author does a nice job of weaving together a lot of material in a succinct way and notes that "since the late 1990s, there has been a clear trend toward enhanced co-operation between IGOs and NGOs, or civil society in general" (p. 445). With regard to UN conferences, she finds "an increasing acceptance of NGOs as partners of dialogue at such fora" (p. 519). Although most of the book's analysis relies upon secondary sources, Lindblom undertook some new research regarding the Rome Conference on the International Criminal Court by conducting interviews with participants. She portrays her research as "qualitative" rather than quantitative because she is interested in learning the subjective perceptions of the participants. The conclusion reached from the sample of participants is that "NGOs played a very important role in the negotiation of the Rome Statute, both before and during the conference" (p. 470).

Although these two chapters are fine as far as they go, let me suggest a few ways in which they could have been stronger. First, the book's focus on developments over the past fifteen to twenty years limits its acuity in perceiving and analyzing trends. The oft-repeated conclusion in the book that NGO participation and status are increasing may well be right, but the author could have usefully discussed whether there has been a diminished rate of increase, or even a decline, in nonstate influence since the horrific events of September 11, 2001. My own view is that the curve of NGO influence is not always upwardly sloping.[10] Second, although Lindblom examines the Kyoto Protocol on climate change, her book does not give sufficient attention to other multilateral environmental entities. Many other important regimes are neglected, such as fisheries, health, and trade.[11] For example, the role of NGOs in the negotiations of the Free Trade Area of the Americas is not discussed, nor is the role of NGOs in WTO accession negotiations.[12] Third, the book does not give sufficient attention to transgovernmental regulatory networks and to the question of whether they are less open to NGO influence than is formal intergovernmental cooperation. Fourth, the book gives only scant attention to the role of business NGOs; even in relation to the ILO, which is discussed in various parts of the book, there is little attention to the role of employer organizations.

The final topical chapter in the book examines NGO agreements with states and with IGOs. Lindblom notes that the Vienna Convention on the Law of Treaties Between States and International Organizations or Between International Organizations does not address such agreements,[13] and that there is no consensus yet on whether such agreements with nonstate actors can be placed directly under international law. Her own view—the product of a thoughtful, careful analysis—is that "these agreements are, at least in principle, actually governed by international law" (p. 492). She discusses the example of the UN Food and Agriculture Organization (FAO) letters

[9] Citing Dinah Shelton, *The Participation of Nongovernmental Organizations in International Judicial Proceedings*, 88 AJIL 611, 627 (1994).

[10] Steve Charnovitz, *Two Centuries of Participation: NGOs and International Governance*, 18 MICH. J. INT'L L. 183, 268–70 (1997) (presenting a cyclicality thesis).

[11] Lindblom notes that the topic of NGOs is "vast" and that her book "does not cover all aspects of NGOs" (p. 37).

[12] On the latter, see P. R. Rajkarnikar, *Nepal: The Role of an NGO in Support of Accession, in* MANAGING THE CHALLENGES OF WTO PARTICIPATION: 45 CASE STUDIES (2005), *available at* <http://www.wto.org/english/res_e/booksp_e/casestudies_e/case30_e.htm>.

[13] The convention is not yet in force. Article 3 notes that some possible international agreements are excluded from the scope of the convention, but the exclusion refers only to certain agreements among states, international organizations, or other subjects of international law. Unless NGOs are subjects of international law, agreements with NGOs do not come within the scope of the convention.

of agreement between the FAO and governmental, intergovernmental, or nongovernmental organizations, which provide for using international arbitration to resolve disputes.

The book's concluding chapter looks to the future. A key issue discussed is whether there should be a move to "a more generalised form of participatory status for NGOs" (pp. 522–23) that interact with states on the international plane. Lindblom is skeptical of such centralization—a skepticism shared by this reviewer. She observes that a general system "may entail risks that access will in reality be restricted or controlled in political, discriminatory or otherwise inappropriate ways" (p. 523). Another issue considered is whether the international legal system will reach a point where NGOs have a "general right to participate in international legal discourse" (p. 526). She concludes that NGOs now have a legitimate expectation of such a development.

As I have indicated throughout, Lindblom's treatise advances our understanding of NGO roles in promoting better international decision making and accountability. The biggest gap may be her contemporary orientation, but Lindblom did not set out to write a history. More problematic is the limited attention she devotes to earlier commentators (although she does discuss the writings of Hersch Lauterpacht). For example, it would have been interesting for the reader to have her engage more with earlier NGO scholars, such as Lador-Lederer, who is barely mentioned. Yet overall her book is well done and should become a basic reference work in the field.

NGOs and the United Nations by Kerstin Martens, a political scientist and senior researcher at the University of Bremen, is about how the increasing involvement of NGOs in the United Nations changes those NGOs, and about how different features of an NGO's structure influence its patterns of involvement in UN affairs. Her analysis is clear, systematic, and well written, and will be of interest to an interdisciplinary audience. Her book is framed as an exercise in social movement theory, but I will not cover that aspect of her work here.

Martens's book offers several valuable insights for the legal analyst interested in NGOs. One contribution comes in the categories that she introduces. With regard to NGO structure, she distinguishes between the "federative NGOs," which are umbrella organizations for relatively autonomous domestic affiliates, and "centralist NGOs," which guide national sections from a transnational body. Her book looks closely at four well-known NGOs that are active in UN affairs—and in relation to which she conducted numerous interviews. She also examines four additional NGOs to further test her hypotheses. The federalist NGOs she reports on are the Fédération international des droits de l'homme (FIDH) and Oxfam International; the centralist NGOs are Amnesty International and CARE International. Another useful category is the distinction between "advocacy NGOs," which seek to influence political processes, and "service NGOs," which provide support to people in need. She characterizes Amnesty and FIDH as advocacy NGOs, and Oxfam and CARE as service NGOs. This basic distinction seems justified, although one can also note a blurring of the missions in the period covered in the book—that is, from the mid-1990s to 2003.

Martens reaches several tentative conclusions. First, centralist NGOs are better able to adapt to new opportunities for NGO participation because they have more resources. She points out, for example, that both Amnesty and CARE have expanded the ways in which they interact with the UN system, whereas FIDH has not and Oxfam has done so only slightly. Second, centralist NGOs are quicker to professionalize their UN staffs. Third, advocacy NGOs are more likely to recruit staff based on academic expertise or on experience in government or the UN bureaucracy. Service NGOs are less likely to do that, instead preferring to send staff to New York or Geneva who have practical experience within the NGO or in similar NGOs. She also notes that advocacy NGOs, particularly centralist ones, seek staff expertise in international law.

Another chapter of her book looks at the role of ECOSOC consultative status in the work of various categories of NGOs. Martens concludes that advocacy NGOs rely heavily on this status and are more in danger of losing it because of complaints by governments serving on the ECOSOC's Committee on NGOs. She observes that "[f]or some states, serving on the NGO Committee is of interest because of the power to deny certain NGOs status at the UN" (p. 131). She notes that China and Cuba "have been members for decades" (*id.*) and

that NGOs engaging in issues regarding Chechnya or Kashmir "have difficulties being accredited, when Russia and India are members of the NGO Committee" (p. 133). In addition, she points out that the nineteen-nation committee processes only about one hundred applications annually, even though about four hundred NGOs now apply for accreditation each year. Because of these backlogs, an NGO now has to wait several years for its application to be reviewed.

Martens observes that the increasing institutionalization and professionalization of NGOs in UN affairs can exacerbate the divide between the NGOs with financial resources and those without. Other scholars have also taken note of this problem. In my view, this imbalance presents a formidable challenge for governments, foundations, and civil society to promote greater access in international forums for opinions and facts coming from developing countries.

STEVE CHARNOVITZ
Of the Board of Editors

Imperialism, Sovereignty and the Making of International Law. By Antony Anghie. Cambridge, New York: Cambridge University Press, 2005. Pp. xix, 356. Index. $110, £60.

Reading Antony Anghie's *Imperialism, Sovereignty and the Making of International Law* is at once confounding and revelatory. The ambition of the book, wrought with skillful erudition and unflinching narrative style, is much larger than fleshing out the traditional history of international law with a more articulated catalogue of the crimes that the European powers have committed against what Anghie somewhat anachronistically calls "the Third World." Instead, he seeks to produce a new history of international law by decentering the traditional disciplinary obsession with the Westphalian model of sovereignty and the problem of order among formally coequal sovereign states. As I progressed through the book, I found that while the plot and characters bore some relationship to the ones I had come habitually to expect, the narrative line, the character development, the dénouement had all been transformed—the old story has become many stories, each somehow familiar and yet also new. In place of the discipline's traditional Westphalian narrative (which Anghie sees as historically contingent and distinctly European in origin), Anghie's history focuses on the development over five hundred years of many diverse theories and doctrinal mechanisms through which European international lawyers have attempted to articulate a "universal" international legal order even as they created, managed, and justified legal hierarchies of domination, exploitation, and subordination by European states of the non-European world and its peoples.[1] As Anghie puts it:

> My broad argument is that colonialism was central to the constitution of international law in that many of the basic doctrines of international law—including, most importantly, sovereignty doctrine—were forged out of the attempt to create a legal system that could account for the relationship between the European and non-European worlds in the colonial confrontation. In making this argument I focus on the colonial origins of international law[.]. . . In so doing I seek to challenge conventional histories of the discipline which present colonialism as peripheral, an unfortunate episode that has long since been overcome by the heroic initiatives of decolonization that resulted in the emergence of colonial societies as independent, sovereign states. (P. 3)

Anghie's book advances our understanding of international legal history and of colonial and postcolonial studies in two significant ways.[2] First, unlike early Third World international scholars who thought decolonization would bring the

[1] With the exception of the last chapter (entitled "On Making War on the Terrorist: Imperialism as Self-Defense"), the United States is largely absent from Anghie's historical narrative. Therefore, consistent with Anghie's own practice, I will use the terms "European" and "non-European" or "Third World" rather than the perhaps more familiar references such as "Western" and "non-Western," "North" and "South," or "developed" and "developing" worlds.

[2] Anghie's contribution to our understanding of the relationship between international law and colonialism builds on the work of a number of European and Third World scholars. The first generation of these scholars working in the decolonization period includes George Abi-Saab, C. H. Alexandrowicz, R. P. Anand, Mohammed Bedjaoui, Taslim O. Elias, and C. G. Weeramantry. International legal scholars working more recently from this tradition include Nathaniel Berman, B. H. Chimni, James Crawford, James Thuo Gathii, Garrit Gong, N'zatioula Grovogui, David Kennedy, Martti Koskenniemi, Makau wa Mutua, Joel Ngugi, Balakrishnan Rajagopal, and Annelise Riles.