

Dr. Jane A. Hofbauer, LL.M. – List of Publications

A) Monographs

1. *Sovereignty in the Exercise of the Right to Self-Determination* (Brill Nijhoff 2016) (379 p.).

Reviewed in: 78(1) *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (2018) 273f (Markus Beham); 74 *Europa Ethnica* (2017) 46f (Peter Hilpold); (2016) 62 *Annuaire français de droit international* 830f (Francisca Aguayo Armijo)

B) Editorships

2. Co-editor of *Austrian Review of International and European Law* (Brill) (Vol. 20-28)

Previously editorial assistant Vol. 12-15, managing editor Vol. 16-19

3. Co-editor of *Zeitschrift für das Recht der nachhaltigen Entwicklung* (Verlag Österreich) (2021-)

Quarter-annual publication

4. *Elgar Encyclopedia of Human Rights* (IV volumes, 2348 pp) (Edward Elgar Publishing 2022), with Christina Binder, Manfred Nowak, and Philipp Janig.
5. *Research Handbook on International Law and Social Rights* (Edward Elgar Publishing 2020) (586 p.), with Christina Binder, Flávia Piovesan and Amaya Úbeda de Torres.
6. *Social Rights in the Case Law of Regional Human Rights Monitoring Institutions – The European Court of Human Rights, the Inter-American Court of Human Rights and the African Commission on Human and Peoples' Rights* (Intersentia/NWV 2016) (531 p.), with Christina Binder, Flávia Piovesan, Anna-Zoe Steiner and Elisabeth Steiner.
7. *The European Charter of Fundamental Rights as a Living Instrument – Guidelines for Civil Society* (Facultas 2014) (36 p.), with Łukasz Bojarski and Natalia Mileszyk.
8. *COST – The Role of the EU in UN Human Rights Reform* (Intersentia/NWV 2013) (216 p.), with Manfred Nowak and Tina Hofstätter.

C) Articles/Chapters

9. 'Article 68' in Bruno Simma, Daniel-Erasmus Khan, Georg Nolte and Andreas Paulus (eds.), *The Charter of the United Nations – A Commentary* (Oxford University Press 2024), with Christina Binder [forthcoming].
10. 'Incidental Proceedings: Intervention in International Proceedings – Expanding the Bilateral Dispute Settlement Model of International Proceedings' in Joanna Gomula and Stephan Wittich (eds.), *Research Handbook on International Procedural Law* (Edward Elgar Publishing 2024) [forthcoming].
11. 'Peacekeeping in the Anthropocene: The Effects of Climate Change and Positive Human Rights Obligations in "Protection of Civilians" Mandates' (2023) 22 *Max Planck United Nations Yearbook*, with Philipp Janig and Christina Binder [accepted].
12. 'Not Just a Participation Trophy? Advancing Public Interests through Advisory Opinions at the International Court of Justice' (2023) 22(2) *The Law and Practice of International Court and Tribunals* 232-269.

13. 'SDG 3 "Good Health and Well-Being – Ensure Healthy Lives and Promote Well-Being for All at All Ages"' in Ilias Bantekas and Francesco Seatzu (eds.), *The UN Sustainable Development Goals – A Commentary* (Oxford University Press 2023) 189-265, with Christina Binder.
14. 'Der 6. Synthesebericht des Intergovernmental Panels on Climate Change (IPCC) – Menschengemachter Klimawandel als faktische Tatsache und die Notwendigkeit von integrativen und gerechten Anpassungs- und Minderungsmaßnahmen für eine nachhaltige Zukunft' *NR – Zeitschrift für das Recht der nachhaltigen Entwicklung* 2/2023, 219-224.
15. 'The Temporal Scope of Application of Investment Treaties and the Effects on General International Law' in Stephan Schill, Christian Tams and Rainer Hoffmann (eds.), *Investment Law and General International Law – Radiating Effects?* (Edward Elgar Publishing 2023) 109-152, with Christina Binder.
16. 'Applicability of Customary International Law to the European Union as a *sui generis* International Organization – An International Law Perspective' in Andreas Müller, Fernando L Bordin and Francisco P Vives (eds.), *The European Union and Customary International Law* (Cambridge University Press 2022) 7-47, with Christina Binder.
17. 'Gemeinwohltopoi im Völkerrecht' in Christian Hiebaum (ed.), *Handbuch Gemeinwohl* (Springer 2022) 481-494, online version available under https://link.springer.com/referenceworkentry/10.1007/978-3-658-21086-1_34-1.
18. '*Chiara Sacchi et al v Argentinien (Brasilien, Frankreich, Deutschland und die Türkei)* – Staatliche Hoheitsgewalt und Auswirkungen des Klimawandels im Ausland' *NR – Zeitschrift für das Recht der nachhaltigen Entwicklung* 3/2022, 327-331.
19. 'Community Interests' in Christina Binder, Manfred Nowak, Jane Hofbauer and Philipp Janig (eds.), *Encyclopedia of Human Rights* (IV volumes) (Edward Elgar Publishing 2022) 310-322.
20. '*Erga omnes (partes)*' in Christina Binder, Manfred Nowak, Jane Hofbauer and Philipp Janig (eds.), *Encyclopedia of Human Rights* (IV volumes) (Edward Elgar Publishing 2022) 89-97.
21. 'Self-Determination, Right to' in Christina Binder, Manfred Nowak, Jane Hofbauer and Philipp Janig (eds.), *Encyclopedia of Human Rights* (IV volumes) (Edward Elgar Publishing 2022) 225-234.
22. 'Free, Prior and informed Consent (FPIC)' in Christina Binder, Manfred Nowak, Jane Hofbauer and Philipp Janig (eds.), *Encyclopedia of Human Rights* (IV volumes) (Edward Elgar Publishing 2022) 249-259.
23. 'State Responsibility' in Christina Binder, Manfred Nowak, Jane Hofbauer and Philipp Janig (eds.), *Encyclopedia of Human Rights* (IV volumes) (Edward Elgar Publishing 2022) 320-327, with Philipp Janig.
24. 'La enseñanza del Derecho Internacional de los Derechos Humanos: Una revisión del libro de texto' (2022) 38 *Academia. Revista sobre enseñanza del Derecho* 15-43 (http://www.derecho.uba.ar/publicaciones/rev_academia/revistas/38/la-ensenanza-del-derecho-internacional.pdf), with Christina Binder (translation of 'Teaching International Human Rights Law – A Textbook Review' (2018) 28(4) *European Journal of International Law* 1397-1414).
25. 'Sustainable Development Goals' *NR – Zeitschrift für das Recht der nachhaltigen Entwicklung* 1/2021, 114-117.
26. 'Die Entwicklung des Sustainable Development Begriffs im Völkerrecht' *NR – Zeitschrift für das Recht der nachhaltigen Entwicklung* 1/2021, 53-61.
27. '1918 – The League of Nations as a "First Organized Expression of the International Community" and the Role of the Permanent Court of International Justice' (2020) 23 *Austrian Review of International and European Law* 3-22.
28. '2018 – The Look Forward: Challenges to Consolidation or Opportunities for Change' (2020) 23 *Austrian Review of International and European Law* 219-224, with Stephan Wittich.

29. 'The *Pacta Sunt Servanda* Principle or the Limits of Interpretation: The *Gabčíkovo-Nagymaros* case revisited' in Makane Moïse Mbengue, Serena Forlati and Brian McGarry (eds.), *The Gabčíkovo-Nagymaros Judgment and its Contribution to the Development of International Law* (Brill 2020) 58-77, with Christina Binder.
30. 'Introduction – International Law and Social Rights' in Christina Binder, Jane Hofbauer, Flávia Piovesan and Amaya Úbeda de Torres (eds.), *Research Handbook on International Law and Social Rights* (Edward Elgar Publishing 2020) xix-xxiv, with Christina Binder, Flávia Piovesan and Amaya Úbeda de Torres.
31. 'Article 3. Scope of application' in Cecily Rose, Michael Kubiciel, and Oliver Landwehr (eds.), *The United Nations Conventions Against Corruption – A Commentary* (OUP 2019) 35-41, with Christina Binder.
32. 'Teaching International Human Rights Law – A Textbook Review' (2018) 28(4) *European Journal of International Law* 1397-1414, with Christina Binder.
33. 'The Perception of the EU Legal Order in International Law: An In- and Outside View' (2017) 8 *European Yearbook of International Economic Law* 139-203, with Christina Binder.
34. 'Operationalizing Extraterritorial Obligations in the Context of Climate Project Finance – The Barro Blanco Case' (2017) 8(1) *Journal of Human Rights and the Environment* 98-118.
35. 'Human Rights and the Clean Development Mechanism: Lessons Learned From Three Case Studies' (2017) 8(1) *Journal of Human Rights and the Environment* 51-71, with Wolfgang Obergassel, Lauri Peterson, Florian Mersmann, Jeanette Schade and Monika Mayrhofer.
36. 'The EU Charter of Fundamental Rights Seized by the National Judges – National Report Austria' in Laurence Burgorgue-Larsen (ed.), *La Charte des droits fondamentaux de l'Union européenne saisie par les juges en Europe. The Charter of Fundamental Rights as Apprehended by Judges in Europe* (Pedone 2017) 99-124, with Christina Binder.
37. 'Goal 3: Good health and well-being. Ensure healthy lives and promote well-being for all' in P. Durán y Lalaguna, C. Díaz Barrado, C. Fernández Liesa (eds.), *International Society and Sustainable Development Goals* (Thomson-Reuters 2016) 201-229, with Christina Binder.
38. 'Rethinking the Role of Development Banks in Climate Finance: Panama's Barro Blanco CDM Project and Human Rights' (2016) 12(1) *Law, Environment and Development Journal (LEAD)* 1-17, with Beatriz Felipe Pérez, Monika Mayrhofer and Paola Villavicencio Calzadilla, available at <http://www.lead-journal.org/content/16001.pdf>.
39. 'Foreign Investments Meet Free, Prior and Informed Consent (FPIC) – Whose Sovereignty?' (2016) 18 *Austrian Review of International and European Law* 71-98.
40. 'Introduction' in Christina Binder, Jane Hofbauer, Flávia Piovesan, Anna-Zoe Steiner and Elisabeth Steiner (eds.), *Social Rights in the Case Law of Regional Human Rights Monitoring Institutions – The European Court of Human Rights, the Inter-American Court of Human Rights and the African Commission on Human and Peoples' Rights* (Intersentia/NWV 2016) 21-28, with Christina Binder, Flávia Piovesan, Anna-Zoe Steiner and Elisabeth Steiner.
41. 'The African Commission and African Court on Human and Peoples' Rights and Social Rights: Social Rights Jurisprudence' in Christina Binder, Jane Hofbauer, Flávia Piovesan, Anna-Zoe Steiner and Elisabeth Steiner (eds.), *Social Rights in the Case Law of Regional Human Rights Monitoring Institutions – The European Court of Human Rights, the Inter-American Court of Human Rights and the African Commission on Human and Peoples' Rights* (Intersentia/NWV 2016) 415-500.
42. 'R2P and the Prohibition of Torture' in Peter Hilpold (ed.), *Responsibility to Protect* (Brill 2014) 293-308, with Manfred Nowak and Karolina Januszewski.
43. 'Pouring Oil Onto Troubled Water – And Then Setting It Alight... The Abyei Arbitration and the Continuing Dispute in Sudan' (2014) 5(4) *International Journal of Arab Arbitration* 3-37, with Stephan Wittich.

44. 'Umsetzung der EU-Richtlinie zum Umweltstrafrecht in Österreich und Kroatien' (2013) *RdU – Recht der Umwelt* 2013/06, 230ff, with Fritz Kroiss.
45. 'Jurisprudential Cross-Fertilization: Investment Arbitration and General International Adjudication and Arbitration' *The Global Community – Yearbook of International Law and Jurisprudence* 2012 (OUP 2013) 191-213, with August Reinisch.
46. 'Palmas Island Arbitration' in Rüdiger Wolfrum (ed.), *The Max Planck Encyclopedia of International Law* (Vol. VIII) (OUP 2012) 34-36, with Katharina Häusler.
47. 'Territorial Dispute Case (Libyan Arab Jamahiriya/Chad)' in Rüdiger Wolfrum (ed.), *The Max Planck Encyclopedia of International Law* (Vol. IX) (OUP 2012) 356-357, with Katharina Häusler.

D) Reports and Studies

48. Participation in the drafting of expert opinions on issues relating to admissibility, treaty law and the field of state responsibility in inter-state arbitration proceedings (2017, 2019, 2022).
49. 'Human Rights Accountability of the EU and Austria for Climate Policies in Third Countries and Their Possible Effects on Migration – Final Report of the Research Project to the Austrian Climate and Energy Fund (Vienna, 2016), available at <https://www.klimafonds.gv.at/assets/Uploads/Projektberichte/ACRP-2013/20162112ClimAccountACRP6EBB368596KR13AC6K11043.pdf> (35 p.), with Monika Mayrhofer, Margit Ammer, Florian Mersmann, Wolfgang Obergassel and Jeanette Schade.
50. *Glamis Gold v the United States*, Case Comment for the South African Report of the ILA Committee on the Implementation of the Rights of Indigenous Peoples (2016), available at <http://www.ila-hq.org/en/committees/index.cfm/cid/1048> (10 p.), with Christina Binder.
51. *Burlington Resources Inc. v Ecuador/Sarayaku v Ecuador*, Case Comment for the South African Report of the ILA Committee on the Implementation of the Rights of Indigenous Peoples (2016), available at <http://www.ila-hq.org/en/committees/index.cfm/cid/1048> (11 p.), with Christina Binder.
52. 'Human Rights Performance in EU Climate Policy – The Role of European States in Climate Measures and Access to Justice for Affected Populations: Synthesis Report' (2016), available at <http://bim.lbg.ac.at/en> (114 p.), with Margit Ammer, Monika Mayrhofer, Florian Mersmann, Wolfgang Obergassel and Jeanette Schade.
53. 'Improving Human Rights Performance in EU Climate Policy – The Role of European States in Climate Measures and Access to Justice for Affected Populations' (Policy Brief 2016), available at <http://bim.lbg.ac.at/en> (16 p.), with Monika Mayrhofer, Florian Mersmann and Jeanette Schade.
54. 'Panama "Barro Blanco" Case Report' COMCAD Working Papers Series on Environmental Degradation and Migration No. 144 (2016) (119 p.), with Monika Mayrhofer.
55. 'Climate-Policy Induced Migration – Bridging Categories' Working Paper Series in the context of ClimAccount – Human Rights Accountability of the EU and Austria for Climate Policies in Third Countries and their possible Effects on Migration (2016), available at SSRN (42 p.).
56. Wildnisschutz in Österreich: Internationale, europäische und nationale Vorgaben – eine rechtliche Analyse (Entwurf eines österreichischen Wildnisgesetzes) (ÖKOBURO Studie im Auftrag von WWF Österreich, 2013) available at www.oekobuero.at (106 p.), with Birgit Schmidhuber.
57. Energy Efficiency – Legislation and Policies: Austria (*Justice & Environment*, 2011), available at <http://www.justiceandenvironment.org/>, with Christian Konrad.
58. *The Principle of Permanent Sovereignty over Natural Resources and its Modern Implications* (LL.M. Thesis University of Iceland (International Environmental Law and Natural Resources Law), 2009), available at http://skemman.is/stream/get/1946/4602/13279/1/Jane_Hofbauer.pdf.

E) Teaching Materials

59. *Non-Discrimination, International Law* (Justus-Liebig-Universität Giessen 2016) (37 p.), with Christina Binder.
60. *Investment Law, International Law* (Justus-Liebig-Universität Giessen 2016) (32 p.), with Christina Binder.
61. *Ergänzungsskriptum Völkerrecht – Relevante Entwicklungen* (2nd edition, Facultas WUV 2012) [reprinted 2013 and 2014] (101 p.), with Markus Beham and Phillip Hödl.

Reviewed in: 5 *Juristl* (June 2012) 22f.

62. *Ergänzungsskriptum Völkerrecht – Prüfungsrelevante Entwicklungen* (Facultas WUV 2012) (100 p.), with Markus Beham and Phillip Hödl.

F) Collections of Practice and Digests

63. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2023) 27 *Austrian Review of International and European Law*, with Martin Baumgartner, Philipp Janig, Viktoria Ritter, Markus Stemeseder and Stephan Wittich [forthcoming].
64. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2023) 26 *Austrian Review of International and European Law* 177–345, with Martin Baumgartner, Philipp Janig, Viktoria Ritter, Markus Stemeseder and Stephan Wittich.
65. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2022) 25 *Austrian Review of International and European Law* 255-538, with Philipp Janig, Viktoria Ritter, Markus Stemeseder and Stephan Wittich.
66. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2021) 24 *Austrian Review of International and European Law* 179-358, with Philipp Janig, Viktoria Ritter, Markus Stemeseder and Stephan Wittich.
67. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2020) 23 *Austrian Review of International and European Law* 241-366, with Philipp Janig, Viktoria Ritter, and Stephan Wittich.
68. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2019) 22 *Austrian Review of International and European Law* 235-306, with Philipp Janig, Michael J. Moffatt, and Stephan Wittich.
69. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2019) 21 *Austrian Review of International and European Law* 179-311, with Philipp Janig, Michael J. Moffatt, and Stephan Wittich.
70. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2018) 20 *Austrian Review of International and European Law* 277-364, with Philipp Janig, Michael J. Moffatt, and Stephan Wittich.
71. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2017) 19 *Austrian Review of International and European Law* 209-304, with Philipp Janig, Sara Mansour Fallah, and Stephan Wittich.
72. 'Legal Maxims: Summaries and Extracts from Selected Case Law: ICSID' (2017) *The Global Community – Yearbook of International Law and Jurisprudence 2015* (Vol. II), 821-880, with Lukas Stifter.

73. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2016) 18 *Austrian Review of International and European Law* 195-312, with Philipp Janig, Sara Mansour Fallah, and Stephan Wittich.
74. 'Legal Maxims: Summaries and Extracts from Selected Case Law: ICSID' (2015) *The Global Community – Yearbook of International Law and Jurisprudence 2014* (Vol. II), 867-954, with Lukas Stifter.
75. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2014) 16 *Austrian Review of International and European Law* 315-426, with Markus Beham, Andrea Bockley, Lukas Stifter and Stephan Wittich.
76. 'Legal Maxims: Summaries and Extracts from Selected Case Law: ICSID' (2014) *The Global Community – Yearbook of International Law and Jurisprudence 2013* (Vol. II), 941-1018.
77. 'Legal Maxims: Summaries and Extracts from Selected Case Law: ICSID' (2013) *The Global Community – Yearbook of International Law and Jurisprudence 2012* (Vol. II), 905-993.
78. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2013) 15 *Austrian Review of International and European Law* 243-338, with Ralph Janik and Stephan Wittich.
79. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2013) 14 *Austrian Review of International and European Law* 327-500, with Melanie Fink, Ralph Janik and Stephan Wittich.
80. 'Legal Maxims: Summaries and Extracts from Selected Case Law: ICSID' (2012) *The Global Community – Yearbook of International Law and Jurisprudence 2011* (Vol. II), 957-1027.
81. 'Legal Maxims: Summaries and Extracts from Selected Case Law: ICSID' (2012) *The Global Community – Yearbook of International Law and Jurisprudence 2010* (Vol. II), 857-917, with Christina Knahr.
82. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2011) 13 *Austrian Review of International and European Law* 171-354, with Katharina Häusler and Stephan Wittich.
83. 'Austrian Judicial Decisions Involving Questions of International Law/Österreichische Judikatur zum internationalen Recht' (2010) 12 *Austrian Review of International and European Law* 197-292, with Stephan Wittich.

G) Miscellaneous

84. 'Akteure einer Rechtstransformation' *NR – Zeitschrift für das Recht der nachhaltigen Entwicklung* 1/2023, 2-3 (also published as *Nachhaltigkeitsrecht Kolumne #7* (May 2023) <www.verlagoesterreich.at/entdecken/kolumnen/nachhaltigkeitsrecht-7/>).
85. 'Winfried Huck, *Sustainable Development Goals: Article-by-Article Commentary*' (book review) *NR – Zeitschrift für das Recht der nachhaltigen Entwicklung* 4/2022, 524-526.
86. 'Book Note on: Hazel Fox and Philippa Webb, *The Law of State Immunity*. Oxford University Press, Oxford et al., 2013' (2017) 19 *Austrian Review of International and European Law* 421-422.
87. Co-author in Łukasz Bojarski, Dieter Schindlauer and Katrin Wladasch (eds.), *The Charter of Fundamental Rights as a Living Instrument – Manual* (Facultas 2014) (142 p.)
88. 'Review of: Stephan Allen/Alexandra Xanthaki (eds.), *Reflections on the UN Declaration on the Rights of Indigenous Peoples*. Hart Publishing, Oxford and Portland, 2011' (2014) 16 *Austrian Review of International and European Law* 545-546.

89. 'Review of: Marc Weller/Katherine Nobbs (eds.), *Political Participation of Minorities: A Commentary on International Standards and Practice*. Oxford University Press, Oxford, 2010' (2013) 15 *Austrian Review of International and European Law* 525-527.
90. 'Review of: Federico Lenzerini (ed.), *Reparations for Indigenous Peoples: International and Comparative Perspectives*. Oxford University Press, Oxford, 2008' (2013) 14 *Austrian Review of International and European Law* 656-659.
91. Manfred Nowak, Karolina Januszewski and Tina Hofstätter (eds.), *All Human Rights for All – Vienna Manual on Human Rights* (Intersentia/NWV 2012) (672 p.). (Editorial Office)
92. Rudolf Dolzer and Christoph Schreuer, *Principles of International Investment Law* (2nd edition, OUP 2012). (Compilation of Table of Cases)
93. Übersetzung der Feststellungen und Empfehlungen des Aarhus Compliance Committees hinsichtlich der Beschwerde ACCC/C/2010/48 in Bezug auf die Erfüllung der Konvention durch Österreich (2012), verfügbar auf <http://www.oekobuero.at/>.
94. Assistance with: Thomas Alge, *Environmental Law Enforcement in Austria (Enforcement of the new Environmental Protection Act harmonized with EU legislation in cases of criminal offences against the environment, 2012)*.
95. with Markus Beham and Phillip Hödl, 'Mayflies or thicker webs' (*Juristl*, 06/2012).
96. with Markus Beham and Phillip Hödl, 'Westfalen schlägt zurück' (*Juristl*, 03/2012).

Numerous reviews for publishing houses (*inter alia*: Stuart Bell *et al.*, *Environmental Law*. Oxford University Press, Oxford, 2013; Margot Horspool/Matthew Humphreys, *European Union Law*. Oxford University Press, 2012; Jörg Fisch (ed.), *Die Verteilung der Welt – Selbstbestimmung und das Selbstbestimmungsrecht der Völker*. R. Oldenbourg Verlag München, München, 2011...)

H) Media

95. „Baustelle Klimaschutz“ (Interview in *upgrade – Das Magazin für Wissen und Weiterdenken*, Ausgabe 2.21 (<www.donau-uni.ac.at/de/aktuelles/upgrade-das-magazin-fuer-wissen-und-weiterdenken-der-universitaet-fuer-weiterbildung-krems/alle-ausgaben/upgrade-2-21-recht-viel-los/baustelle-klimaschutz.html>)).