

VOLUME 1 ISSUE 1

JANUARY 2011

ISSN 2044-2513



*Asian Journal of*  
International Law

# *Asian Journal of International Law*

The *Asian Journal of International Law* is the journal of the Asian Society of International Law. It publishes peer-reviewed scholarly articles and book reviews on public and private international law. The regional focus of the journal is broadly conceived. Some articles may focus specifically on Asian issues; others will bring one of the many Asian perspectives to bear on issues of global concern. Still others will be of more general interest to scholars, practitioners, and policy-makers located in or working on Asia.

The journal is published in English as a matter of practical convenience rather than political endorsement. English language reviews of books in other languages are particularly welcomed. The journal is produced for the Asian Society of International Law by the National University of Singapore Faculty of Law and succeeds the *Singapore Year Book of International Law*.

For further information, forthcoming pieces, and guidelines on how to submit articles or book reviews, please visit [www.AsianJIL.org](http://www.AsianJIL.org).

## INSTRUCTIONS FOR CONTRIBUTORS

The *Asian Journal of International Law* welcomes unsolicited articles and proposals for book reviews. For details, visit [www.AsianJIL.org](http://www.AsianJIL.org).

© Asian Journal of International Law

ISSN 2044-2513

E-ISSN 2044-2521

This journal issue has been printed on FSC-certified paper and cover board. FSC is an independent, non-governmental, not-for-profit organization established to promote the responsible management of the world's forests. Please see [www.fsc.org](http://www.fsc.org) for further information.

# *Asian Journal of International Law*

## ADVISORY BOARD

### Chair

OWADA Hisashi

Georges ABI-SAAB  
Awn Shawkat AL-KHASAWNEH  
R.P. ANAND  
Edith BROWN WEISS  
Richard FALK  
Florentino P. FELICIANO

KO Swan Sik  
Abdul KOROMA  
Christopher PINTO  
SHI Jiuyong  
Bruno SIMMA  
Christopher G. WEERAMANTRY

## EDITORIAL BOARD

### Chair

B.S. CHIMNI

Antony ANGHIE  
Hilary CHARLESWORTH  
CHUNG Il-Yung  
Hikmahanto JUWANA  
Ratna KAPUR  
Borhan Uddin KHAN  
Tommy KOH  
LU Song  
V.S. MANI

Djamchid MOMTAZ  
NGUYEN Hong Thao  
ONUMA Yasuaki  
Raul PANGALANGAN  
Harry ROQUE  
Shirley SCOTT  
SHIN Hae Bong  
TAN Cheng Han  
Jaturon THIRAWAT

### Ex officio

XUE Hanqin

*President of the Asian Society of International Law*

### Editors

Simon CHESTERMAN

Surya P. SUBEDI

Simon S.C. TAY

### Deputy Editor

Michael EWING-CHOW

### Senior Associate Editor

TAN Hsien-Li

### Assistant Editors

Sari AZIZ  
Melissa CHIN

Tara DAVENPORT  
LIU Gehuan

# *Asian Society of International Law*

## EXECUTIVE COUNCIL

### President

XUE Hanqin

### Vice-Presidents

Tommy KOH  
LU Song

V.S. MANI  
ONUMA Yasuaki

### Secretary-General

TAN Cheng Han

### Deputy Secretary-General

Simon CHESTERMAN

### Treasurer

EJIRI Takashi

R.P. ANAND  
Antony ANGHIE  
Hilary CHARLESWORTH  
B.S. CHIMNI  
CHUNG Il-Yung  
Mary GEORGE  
Hikmahanto JUWANA  
Borhan Uddin KHAN

LIU Daqun  
NGUYEN Hong Thao  
OWADA Hisashi  
Raul PANGALANGAN  
Harry ROQUE  
Shirley SCOTT  
Surya P. SUBEDI  
Jaturon THIRAWAT

## ADVISORY COUNCIL

R.P. ANAND  
Florentino P. FELICIANO

SHI Jiuyong  
Christopher G. WEERAMANTRY

## RESEARCH & PLANNING COMMITTEE

### Chair

Antony ANGHIE

B.S. CHIMNI  
Mary GEORGE  
GONG Yingchun

MOGAMI Toshiki  
Raul PANGALANGAN  
Shirley SCOTT

# Contents

## INVITED ARTICLES

- 1–2 An Asian Journal of International Law  
*The Editors*
- 3–11 Asia and International Law  
*OWADA Hisashi*
- 13–19 Meaningful Dialogue Through a Common Discourse: Law and Values  
in a Multi-Polar World  
*XUE Hanqin*
- 21–32 International Law in a Kaleidoscopic World  
*Edith BROWN WEISS*
- 33–38 The Women Question in International Law  
*Hilary CHARLESWORTH*
- 39–42 Asian Civilizations and International Law: Some Reflections  
*B.S. CHIMNI*
- 43–55 Human Security: Defining the Elephant and Imagining Its Tasks  
*Tom FARER*
- 57–60 International Law and the Peaceful Resolution of Disputes: Asian Perspectives,  
Contributions, and Challenges  
*Tommy KOH*
- 61–70 What Use for Sovereignty Today?  
*Martti KOSKENNIEMI*
- 71–82 The Asian Society of International Law: Its Birth and Significance  
*ONUMA Yasuaki*
- 83–98 Reflections on the Necessity of Regional Approaches to International Law Through the  
Prism of the European Example: Neither Yes nor No, Neither Black nor White  
*Hélène RUIZ FABRI*

## ARTICLES

- 99–129 Definition of “Investment”—A Voice from the Eye of the Storm  
*Michael HWANG S.C. and Jennifer FONG Lee Cheng*
- 131–148 Climate Change and Reduction of Emissions of Greenhouse Gases from Ships:  
An Appraisal  
*Md. Saiful KARIM and Shawkat ALAM*
- 149–163 International Law, Cultural Diversity, and Democratic Rule: Beyond the Divide  
Between Universalism and Relativism  
*Niels PETERSEN*
- 165–198 Testing the Mettle of National Human Rights Institutions: A Case Study of the  
Human Rights Commission of Malaysia  
*Catherine RENSHAW, Andrew BYRNES, and Andrea DURBACH*

BOOK REVIEWS

**Human Rights**

- 199–200 Human Rights in International Investment Law and Arbitration  
(Oxford: Oxford University Press, 2009)  
*Pierre-Marie DUPUY, Francesco FRANCONI, and Ernst-Ulrich  
PETERSMANN, eds.* (Reviewed by Diego G. MEJÍA-LEMON)

**International Economic Law**

- 200–201 International Investment Law: Reconciling Policy and Principle  
(Oxford: Hart Publishing, 2008)  
*Surya P. SUBEDI* (Reviewed by Diego Bernal CORREDOR)

**International Organizations**

- 201–202 Secretary or General? The UN Secretary-General in World Politics  
(Cambridge: Cambridge University Press, 2007)  
*Simon CHESTERMAN, ed.* (Reviewed by Kevin LEONG)

**Law of Development**

- 203–204 International Development Law: Rule of Law, Human Rights and Global  
Finance (Oxford: Oxford University Press, 2009)  
*Rumu SARKAR* (Reviewed by Shawn PELSINGER)