

# INTERNATIONAL & COMPARATIVE LAW QUARTERLY

VOLUME 69

PART 3

JULY 2020

## ARTICLES

Engaging with International Law

*Abdulqawi Ahmed Yusuf*

The Meaning and Scope of 'Assembly' in International Human Rights Law

*Michael Hamilton*

Permission to Act: The Legal Character of General and Security  
Exceptions in International Trade and Investment Law

*Caroline Henckels*

The Negotiations for a New Implementing Agreement Under the  
UN Convention on the Law of the Sea Concerning Marine  
Biodiversity

*Efthymios Papastavridis*

Comparative Constitutional Interpretation of Religious Freedom

*Stijn Smet*

Regulating Genome Editing Under International Human Rights Law

*Rumiana Yotova*

The Pitfalls of Unilateral Legislation in International Law: Lessons from  
Conflict Minerals Legislation

*Phoebe Okowa*

## SHORTER ARTICLES

Maritime Autonomous Vehicles: New Frontiers in the Law of the Sea *Natalie Klein, Douglas Guilfoyle,  
Md Saiful Karim and Rob McLaughlin*

The Human Rights Committee, Environmental Protection and the  
Right to Life

*Ginevra Le Moli*

## BOOK REVIEWS

Public International Law  
Private International Law  
Comparative Law  
Human Rights  
European Law



British Institute of  
International and  
Comparative Law



## **British Institute of International and Comparative Law**

### **The British Institute of International and Comparative Law**

(BIICL) is a leading independent legal research and membership organisation with charitable status, unaffiliated to any university. It is the only body of its kind in the UK and one of very few in the world. It is not publicly or privately funded by any one government, institution or person. Established in 1958 and based in London with a dedicated team of staff, it brings together legal practitioners in private and public practice, in-house counsel, scholars and students, as members and contributors. It has developed a strong global network in international and comparative law and the rule of law.

BIICL undertakes five key activities: **applied legal research, events, capacity-building training, publications and membership services.** We conduct research around the world across the broad range of public international law, private international law, comparative law, competition law, European law and international investment law and the rule of law. Our focus is on applied research, based on strong conceptual foundations, which is practical, offers examples of good practice, and recommendations for policy and legal actions. Our activities often cross the traditional boundaries of law, so as to engage with contemporary national, regional and international issues, and we consistently have an impact on law and policy worldwide.

BIICL has created **a diverse community** of scholars and practitioners and serves as an unrivalled focal point for our substantial membership base. BIICL members include judges, practising lawyers, government officials, regulators, international civil servants, academics and students. We keep our members abreast of the latest developments in international and comparative law.

Within BIICL, the **Bingham Centre for the Rule of Law** is devoted to the study and promotion of the rule of law worldwide. Launched in 2010, the Centre has established a broad base of work internationally that highlights threats to the rule of law while promoting high quality studies and training.

## INSTRUCTIONS FOR CONTRIBUTORS

The ICLQ welcomes the submission of contributions for consideration by the Board of Editors with a view to publication. All manuscripts must be submitted online via the website: <http://mc.manuscriptcentral.com/iclq>

The Board of Editors will only consider material which complies with the following:

1. The submission should be an original, unpublished work not currently under consideration for publication elsewhere. Please note that our exclusive submission policy means you cannot submit your work to another journal until you have received a decision from us. If you would like to submit to another journal, you must withdraw your article from consideration by the ICLQ.
2. The ICLQ publishes articles that deal with public international law, private international law, comparative law, human rights law and European Union law. It particularly encourages the submission of innovative and original articles whose theme or content illuminate more than one of these subject areas. Articles which do no more than rehearse familiar and well-known material, or which are concerned only with national law (other than private international law) in a non-comparative way, should not be submitted.
3. Long articles should not exceed 12,000 words (16,000 words including footnotes). Pieces of up to 6,000 words (including footnotes) will usually be considered for the 'Shorter Articles' section. The editors will decide on the section to which all contributions, irrespective of length, are best suited should they be accepted for publication. ScholarOne will require you to enter the word count (including footnotes) when submitting your article, and to indicate if you intend it for the 'Shorter Articles and Notes' section.
4. Footnotes should be numbered consecutively throughout the article and be in the form normally used by the ICLQ. Please see the Style Guide for further information. Footnoting should not be excessive.
5. A short (50-100 words) abstract of the article should be supplied. We reserve the right to edit abstracts for length and style. Please also supply a minimum of five keywords (maximum ten) for your article to enable digital searching.
6. Authors should state their present academic or professional affiliation and indicate any professional or personal involvement in the subject matter of the article.
7. The ICLQ only accepts submissions online via the ScholarOne platform. To upload your manuscript please go to: <http://mc.manuscriptcentral.com/iclq>. Detailed instructions for submitting your manuscript online can be found at the submission website by clicking on the 'Instructions and Forms' link in the top right of the screen; and then clicking on the 'Author Submission Instructions' icon on the following page. The Editor will acknowledge receipt

of the manuscript, with a reference number, which should be quoted in all correspondence.

For the ICLQ Style Guide, please visit [www.journals.cambridge.org/iclq/ifc](http://www.journals.cambridge.org/iclq/ifc). In all matters not included in this Guide, the ICLQ follows the OSCOLA citation system for house style; please visit [www.law.ox.ac.uk](http://www.law.ox.ac.uk) for details.

## SUBSCRIPTIONS

Subscriptions, orders, and enquiries should be sent to Cambridge University Press, University Printing House, Shaftesbury Road, Cambridge, CB2 8BS, UK, email: [journals@cambridge.org](mailto:journals@cambridge.org). Current prices can be found at <https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly/subscribe>. Back issues of all volumes are now available at the current cover price. For more information on the journal see <https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly>.

The views expressed in the contributions to this journal are those of their author(s) and do not necessarily reflect the views either of the board of editors of the journal or of the British Institute of International and Comparative Law (BIICL). BIICL is a registered charity and an independent research institute committed to supporting high standards of scholarship in all aspects of international and comparative law.

The ICLQ has been selected for coverage in Clarivate's products and services. The journal is indexed and abstracted in the Social Sciences Citation Index, the Journals Citation Reports/Social Sciences Edition and Current Contents/Social and Behavioural Sciences

## PERMISSIONS

For all matters concerning rights and permissions please contact Cambridge University Press. For more information go to: <http://www.cambridge.org/about-us/rights-permissions>

---

### © 2020 British Institute of International and Comparative Law

Printed in the United Kingdom by Bell and Bain Ltd, Glasgow

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 information.

Authors of accepted articles in International & Comparative Law Quarterly now have the option to publish on a Gold Open Access basis.

**Cambridge Journals Online:** For further information about this journal please go to the journal web site at [www.cambridge.org/ICLQ](http://www.cambridge.org/ICLQ)

---

## BIICL GOVERNANCE

### President

The Rt Hon the Lord Phillips  
of Worth Matravers KG PC QC

### Vice Presidents

The Rt Hon the Lord Collins of  
Mapesbury

The Rt Hon Sir David Edward  
KCMG

Sir Christopher Greenwood  
GBE CMG QC

### Director

Professor Spyros Maniatis

### Board of Trustees

#### Chair:

Keith Ruddock

Professor Dapo Akande

Professor John Bell QC (hon) FBA FRSA

Sonya Branch

Professor Malik Dahlan

Shaheed Fatima QC

Philip Haberman

The Rt Hon Lord Lloyd-Jones

Sir Iain Macleod KCMG

Professor Kate O'Regan

Nigel Parr

Constantine Partasides QC

Rupert Skilbeck

Diana Wallis

Andrew Whittaker

### Advisers to the Board of Trustees

The Rt Hon Lady Arden of Heswall DBE

Martin Paisner CBE

---

## ICLQ EDITORIAL BOARD

### Co-General Editors

Professor Sir Malcolm Evans KCMG,  
OBE, University of Bristol

Professor Spyros Maniatis, British  
Institute of International and  
Comparative Law

### Board Members

Professor Ian Cram,  
University of Leeds

Professor Paula Giliker,  
University of Bristol

Professor Christine Gray,  
University of Cambridge

Professor Andrew Lang,  
University of Edinburgh

Professor Robert McCorquodale,  
University of Nottingham

Professor Dominic McGoldrick,  
University of Nottingham

Dr Louise Merrett,  
University of Cambridge

Professor Alex Mills,  
University College London

Professor Katja S Ziegler,  
University of Leicester

### Managing Editor

Anna Riddell-Roberts  
BIICL

### Book Review Editor

Professor Ian Cram,  
University of Leeds



**British Institute of  
International and  
Comparative Law**

# International and Comparative Law Quarterly

Volume 69

July 2020

Part 3

## ARTICLES

- ENGAGING WITH INTERNATIONAL LAW *Abdulqawi Ahmed Yusuf* 505
- THE MEANING AND SCOPE OF ‘ASSEMBLY’ IN INTERNATIONAL HUMAN RIGHTS  
LAW *Michael Hamilton* 521
- PERMISSION TO ACT: THE LEGAL CHARACTER OF GENERAL AND SECURITY  
EXCEPTIONS IN INTERNATIONAL TRADE AND INVESTMENT LAW  
*Caroline Henckels* 557
- THE NEGOTIATIONS FOR A NEW IMPLEMENTING AGREEMENT UNDER THE  
UN CONVENTION ON THE LAW OF THE SEA CONCERNING MARINE  
BIODIVERSITY *Efthymios Papastavridis* 585
- COMPARATIVE CONSTITUTIONAL INTERPRETATION OF RELIGIOUS FREEDOM  
*Stijn Smet* 611
- REGULATING GENOME EDITING UNDER INTERNATIONAL HUMAN RIGHTS LAW  
*Rumiana Yotova* 653
- THE PITFALLS OF UNILATERAL LEGISLATION IN INTERNATIONAL LAW: LESSONS  
FROM CONFLICT MINERALS LEGISLATION *Phoebe Okowa* 685

## SHORT ARTICLES

- MARITIME AUTONOMOUS VEHICLES: NEW FRONTIERS IN THE LAW OF THE SEA  
*Natalie Klein, Douglas Guilfoyle, Md Saiful Karim and  
Rob McLaughlin* 719
- THE HUMAN RIGHTS COMMITTEE, ENVIRONMENTAL PROTECTION AND THE  
RIGHT TO LIFE *Ginevra Le Moli* 735

## BOOK REVIEWS

- I. ZULOAGA, *Reliance in the Breaking-Off of Contractual Negotiations: Trust and Expectation in a Comparative Perspective* (Paula Giliker) 753
- ANDRÁS KOLTAY, *New Media and Freedom of Expression: Rethinking the Constitutional Foundations of the Public Sphere* (Paul Bernal) 755