

## Publications – Prof. Samantha Besson

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### Monographs

1. *Democratic Representation in International Law-Making*, with José Luis Martí, Cambridge Elements in Legal Philosophy, Cambridge: Cambridge University Press 2026, in preparation.
2. *Le droit international de la science*, Paris: Pedone 2026, in preparation.
3. *The Private & Public Relation in International Law*, Brill Research Perspectives in International Legal Theory and Practice, Leiden/Boston: Brill/Nijhoff 2025, in preparation.  
French version: *La république internationale. De la relation public-privé en droit international*, Paris: Pedone 2025, in preparation.
4. *La science, un droit de l'Homme?*, Conférences inaugurales de l'Académie suisse des sciences humaines et sociales, (2024) 19:2 Swiss Academies Communications, Bern: SAGW 2024 (40 pages), <http://doi.org/10.5281/zenodo.10658435>.
5. *Reconstruire l'ordre institutionnel international*, Leçons inaugurales du Collège de France, Paris: Collège de France/Fayard 2021 (96 pages).  
E-book version: *Reconstruire l'ordre institutionnel international*, Leçons inaugurales du Collège de France, Paris: Collège de France, OpenEdition Books/Collège de France 2021, <https://books.openedition.org/cdf/11868>.  
English version: *Reconstructing the International Institutional Order*, Inaugural Lectures of the Collège de France, OpenEdition Books/Collège de France 2021, <https://books.openedition.org/cdf/12335>.  
German version: *Zum Wiederaufbau der internationalen Institutionenordnung*, translated by O. Ammann and D. Wohlwend, Beiträge zum Völkerrecht, Basel: Helbing Lichtenhahn & Baden-Baden: Nomos 2022 (45 pages).
6. *La due diligence en droit international*, Recueil des cours de l'Académie de droit international de La Haye, Tome 409 (pp. 153-398), Leiden/Boston: Brill/Nijhoff 2020 (245 pages).  
Paperback version: *La due diligence en droit international*, Livres de poche de l'Académie de droit international de La Haye, Leiden/Boston: Brill/Nijhoff 2021 (368 pages).  
English version: *Due Diligence in International Law*, translated by S. Knuchel, Special Collection of the Hague Academy of International Law, Leiden/Boston: Brill/Nijhoff 2023 (240 pages).
7. *The Morality of Conflict. Reasonable Disagreement and the Law*, Oxford: Hart Publishing 2005 (xx-601 pages).
8. *L'égalité horizontale : l'égalité de traitement entre particuliers. Des fondements théoriques au droit privé suisse*, AISUF series, vol. 183, Fribourg: Editions Universitaires 1999 (cxiv-526 pages).

### Textbooks and Edited legal materials

1. *Droit international public : Précis de droit et résumés de jurisprudence*, 2<sup>nd</sup> edn, Bern: Stämpfli 2024 (lxxiv-827 pages) (1<sup>st</sup> edn: 2019).
2. *Droit constitutionnel européen : Précis de droit et résumés de jurisprudence*, 2<sup>nd</sup> edn, Bern: Stämpfli 2023 (lxx-592 pages) (1<sup>st</sup> edn: 2019).
3. *Droit international public : Abrégé de cours et résumés de jurisprudence*, 3<sup>rd</sup> edn, Bern: Stämpfli 2016 (660 pages) (1<sup>st</sup> edn: 2009; 2<sup>nd</sup> edn: 2013).
4. *Droit constitutionnel européen : Abrégé de cours et résumés de jurisprudence*, 3<sup>rd</sup> edn, Bern: Stämpfli 2016 (400 pages) (1<sup>st</sup> edn: 2009; 2<sup>nd</sup> edn: 2013).
5. *Völkerrecht/Droit international public – Aide-mémoire*, with Stephan Breitenmoser, Marco Sassoli and Andreas R. Ziegler, 2<sup>nd</sup> edn, Zürich: Dike 2013 (xxv-436 pages) (1<sup>st</sup> edn: 2010) (3<sup>rd</sup> edn printed as e-book, 2019: <https://www.dike.ch/Besson-Voelkerrecht-Droit-international-public>).
6. *Recueil Lex - Droit international public*, with Andreas R. Ziegler, 5<sup>th</sup> edition, Bern: Stämpfli 2024 (2001 pages).
7. *Traité internationaux. Recueil de textes de droit international public*, with Andreas R. Ziegler, 4<sup>th</sup> edn, Bern: Stämpfli 2020 (1662 pages) (2<sup>nd</sup> edn: 2012; 3<sup>rd</sup> edn: 2016).
8. *Internationale Verträge. Textsammlung in Völkerrecht*, with Andreas R. Ziegler, 2<sup>nd</sup> edn, Bern: Stämpfli 2012 (1718 pages).

### Edited volumes

1. *"The Province of All Mankind"? Public and Private International Law & Philosophy Perspectives on Property in Outer Space*, 2027, in preparation.

2. *Génocide. Droit et histoire du crime des crimes*, edited with Henry Laurens, Paris: Editions du Collège de France 2026, in preparation.
3. *International Cooperation under the Human Right to Science*, edited with Katja Achermann, Cheltenham: Edward Elgar Publishing 2026, forthcoming.
4. *Democratic Representation in International Organizations*, ASIL International Legal Theory Series, Cambridge: Cambridge University Press 2025, forthcoming.
5. *Consenting to International Law*, ASIL International Legal Theory Series, Cambridge: Cambridge University Press 2023 (362 pages).
6. *Inventer l'Europe*, Actes du Colloque de rentrée 2021 du Collège de France, Paris: Collège de France/Odile Jacob 2022 (352 pages).
7. *Theories of International Responsibility Law*, ASIL International Legal Theory Series, Cambridge: Cambridge University Press 2022 (400 pages).
8. *Concerter les civilisations. Mélanges en l'honneur d'Alain Supiot*, edited with Samuel Jubé, Paris: Seuil 2020 (496 pages).
9. *Le consentement en droit*, edited with Yves Mausen and Pascal Pichonnaz, Zürich: Schulthess 2018 (li-371 pages).
10. *The Oxford Handbook on the Sources of International Law*, edited with Jean d'Aspremont, Oxford: Oxford University Press 2017 (li-1232 pages).
11. *International Responsibility. Essays in Law, History and Philosophy*, Zürich: Schulthess 2017 (xx-258 pages).
12. *Comparing Comparative Law*, edited with Lukas Heckendorn Urscheler and Samuel Jubé, Zürich: Schulthess 2017 (xv-250 pages).
13. *L'Union européenne et le droit international – The European Union and International Law*, edited with Nicolas Levrat, Zürich: Schulthess 2015 (xx-248 pages).
14. *Egalité et non-discrimination en droit international et européen – Equality and Non-Discrimination in International and European Law*, edited with Andreas R. Ziegler, Zürich: Schulthess 2014 (xvi-238 pages).
15. *La Convention européenne des droits de l'homme et les cantons – Die Europäische Menschenrechtskonvention und die Kantone*, edited with Eva Maria Belser, Zürich: Schulthess 2014 (xv-350 pages).
16. *Le juge en droit international et européen – The Judge in International and European Law*, edited with Andreas R. Ziegler, Zürich: Schulthess 2013 (xvii-344 pages).
17. *(Dés)ordres juridiques européens – European Legal (Dis)orders*, edited with Nicolas Levrat, Zürich: Schulthess 2012 (xvii-290 pages).
18. *La Cour européenne des droits de l'homme après le Protocole 14 – Premier bilan et perspectives / The European Court of Human Rights after Protocol 14 – Preliminary assessment and perspectives*, Zürich: Schulthess 2011 (xvi-248 pages).
19. *Les principes en droit européen – Principles in European Law*, edited with Pascal Pichonnaz, Zürich: Schulthess 2011 (xv-392 pages).
20. *Interprétation en droit européen – Interpretation in European Law*, edited with Evelyne Clerc and Nicolas Levrat, Zürich: Schulthess 2011 (xiv-198 pages).
21. *The Philosophy of International Law*, edited with John Tasioulas, Oxford: Oxford University Press 2010 (xiv-604 pages).
22. *Legal Republicanism: National and International Perspectives*, edited with José Luis Martí, Oxford: Oxford University Press 2009 (xxxi-336 pages).
23. *Des Valeurs pour l'Europe ? Values for Europe ?*, edited with Francis Cheneval and Nicolas Levrat, Louvain-la-Neuve: Academia Bruylant 2008 (248 pages).
24. *Deliberative Democracy and Its Discontents*, edited with José Luis Martí, Aldershot: Ashgate 2006 (xxxi-251 pages).
25. *Les droits de l'homme au centre – Human Rights at the Center*, edited with Franz Werro and Michel Hottelier, Zürich: Schulthess 2006 (xxix-677 pages).

#### **Edited special issues**

1. *The International Law of Regional Organizations*, Special issue, edited with Eva Kassoti, (2024) 21:1 International Organizations Law Review 1-210.
2. *Anticipation under the Human Right to Science*, Special issue, edited with Camila Perruso, (2024) 28:3 International Journal of Human Rights 293-496.
3. *Human Rights and Science*, Special issue, (2015) 4 European Journal of Human Rights 403-518.
4. *The Relationship between European and International Law*, Special issue, (2009) 5:2 European Constitutional Law Review 237-326.
5. *Future Challenges of European Citizenship*, Special issue, edited with André Utzinger, (2007) 13:5 European Law Journal 573-679.

## Articles

1. 'La pratique suisse du droit international 2024', with Lucius Cafilisch, (2025) *Swiss Review of International Law*, in preparation.
2. 'What Makes International Organizations "Public"? And Why does it Matter?', (2025), under review.
3. 'Equity as a General Principle in EU External Relations Law', Special issue on *General Principles in EU External Relations Law*, (2025) *European Papers*, forthcoming.
4. 'La souveraineté en et de droit international. Renverser le renversement', (2025) *Les Annales de droit de Louvain*, in press.
5. \*'The Institutional Guarantee of the Human Right to Participate in Science', (2025) 25(1) *Human Rights Law Review*, <https://doi.org/10.1093/hrlr/ngae023>.
6. \*'What can Public International Law do against Privatization?', (2024) 15(3) *Transnational Legal Theory* 341-369.
7. 'La pratique suisse du droit international 2023', with Lucius Cafilisch, (2024) 34 *Swiss Review of International Law* 535-585.
8. 'La souveraineté en et de droit international. Petit exercice de démystification', (2023-24) *Annuaire suisse de droit européen* 407-420.
9. 'The International Law of Regional Organizations: Mapping the Issues', with Eva Kassoti, Special issue on *The International Law of Regional Organizations*, (2024) 21(1) *International Organizations Law Review* 1-18.
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11. \*'The "Human Right to Science" qua Right to Participate in Science and Enjoy its Benefits. The Participatory Good of Science and its Human Rights Dimensions', (2024) 28(4) *International Journal of Human Rights* 497-528.
12. 'Anticipation under the Human Right to Participate in Science: Concepts, Stakes and Specificities', Special issue on *Anticipation under the Human Right to Science*, (2024) 28(3) *International Journal of Human Rights* 293-312.
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14. \*'Democratic Representation within International Organizations. From International Good Governance to International Good Government', (2022) 19(3) *International Organizations Law Review* 489-527.
15. 'L'égalité pour une paix durable/Equality for Lasting Peace', Guest Editorial, (2022) 1 *ESIL Newsletter*, [https://esil-sedi.eu/esil-newsletter-spring-2022/#guest\\_editorial](https://esil-sedi.eu/esil-newsletter-spring-2022/#guest_editorial).
16. 'Passeports européens à vendre ? Arguments de droit international et européen contre les programmes d'acquisition de la citoyenneté par investissement', (2021) *Annuaire suisse de droit européen* 375-401.
17. \*'The International Public: A Farewell to Functions in International Law', (2021) 115 *American Journal of International Law Unbound* 307-311.
18. 'Du droit de civilisation européen au droit international des civilisations : instituer un monde des régions', (2021) 31:3 *Swiss Review of International and European Law* 373-400.
19. 'Reconstruire le droit international à partir des organisations régionales/Reconstructing International Law starting from Regional Organizations', (2021) 2 *Revue européenne du droit* 64-8.
20. 'Les droits de l'homme au service du marché ? Critique et réforme du droit international et européen des droits de l'homme en vue d'un renouveau démocratique', with Milène Hauri, (2020) *Annuaire suisse de droit européen* 427-46.
21. \*'Sovereign States and their International Institutional Order. Carrying Forward Dworkin's Work on the Political Legitimacy of International Law', (2020) 2:2 *Jus Cogens* 111-38.
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23. \*'Due Diligence and Extraterritorial Human Rights Obligations – Mind the Gap!', (2020) 9:1 *ESIL Reflections*, <https://esil-sedi.eu/wp-content/uploads/2020/04/ESIL-Reflection-Besson-S.-3.pdf>.
24. 'Que fait l'Europe ? Ce que le Coronavirus nous dit de l'état de l'Union européenne', (2020) *Newsletter de la Fondation du Collège de France*, <https://www.fondation-cdf.fr/2020/04/22/que-fait-leurope/>.
25. 'Investment Citizenship and Democracy in a Global Age: Towards a Democratic Interpretation of International Nationality Law', (2019) 29:4 *Swiss Review of International and European Law* 525-47.
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27. \*'International Human Rights Law and Mirrors', (2018) 7:2 *ESIL Reflections*, <https://esil-sedi.eu/wp-content/uploads/2018/04/ESIL-Reflection-Besson.pdf>.
28. \*'Legitimate Actors of International Law-Making – Towards a Theory of International Democratic Representation', with José Luis Martí, (2018) 9:3 *Jurisprudence* 504-40.

29. 'Security and Human Rights – Mind the Balance! On Security in International Human Rights Law and the Dangers of the Normalization of Emergency', Special Issue on *The Law in these Parts: International Law in the Occupied Palestinian Territories*, (2017) *Quid – Fribourg Law Review* 7-19.
30. '\*State and Individual Secondary Liability in Case of International Organization's Responsibility – The Challenge of Fairness Unveiled', Special issue on Global justice and international law, (2017) VI/1 *Italian Journal of Legal Philosophy* 51-78.
31. '\*Law Beyond the State: A Reply to Liam Murphy', (2017) 28:1 *European Journal of International Law* 233-40.
32. 'L'Etat, cet angle mort du droit international', (2017) *Quid – Fribourg Law Review* 6-8.
33. '\*Subsidiarity in International Human Rights Law – What is Subsidiary about Human Rights?', (2016) 61:1 *American Journal of Jurisprudence* 69-107.
34. '\*State Consent and Disagreement in International Law-Making – Dissolving the Paradox', (2016) 29:2 *Leiden Journal of International Law* 289-316.
35. '\*The Bearers of Human Rights' Duties and Responsibilities for Human Rights – A Quiet (R)Evolution', (2015) 32:1 *Social Philosophy & Policy* 244-68.
36. '\*Science without Borders and the Boundaries of Human Rights – Who Owes the Human Right to Science?', Special issue on Human Rights and Science, (2015) 4 *European Journal of Human Rights* 462-85.
37. '\*Introduction/Mapping the Issues', Special issue on the Human Right and Science, (2015) 4 *European Journal of Human Rights* 403-10.
38. 'L'adhésion de l'Union européenne à la Convention européenne des droits de l'homme après l'Avis 2/13', 2014/2015 *Annuaire de droit européen – Jahrbuch für Europarecht* 423-54.
39. 'L'interprétation des accords bilatéraux Suisse-UE – Une lecture de droit international', with Odile Ammann, (2013/2014) *Annuaire de droit européen – Jahrbuch für Europarecht* 331-58.
40. 'Le droit de vote des expatriés, le consensus européen et la marge d'appréciation des États (Cour eur. dr. h., arrêt *Sitaropoulos et Giakamopoulos c. Grèce*, 15 mars 2012)', with Anne-Laurence Graf-Brugère, (2014) 100 *Revue trimestrielle des droits de l'homme* 937-58.
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44. '\*The Extraterritoriality of the European Convention on Human Rights. Why Human Rights Depend on Jurisdiction and What Jurisdiction Amounts to', (2012) 25:4 *Leiden Journal of International Law* 857-84.
45. 'Françoise Tulkens on Human Rights' Restrictions', Guest post, (2012) *Strasbourg Observers*, <http://strasbourgobservers.com/2012/08/16/francoise-tulkens-on-human-rights-restrictions/>.
46. 'International Judges as Dispute-Settlers and Law-Enforcers – From International Law without Courts to International Courts without Law', (2012) 34 *Loyola International and Comparative Law Review* 33-52.
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49. 'The Democratic Legitimacy of WTO Law – On the Dangers of Fast-Food Democracy', (2011) *World Trade Institute Research Papers* No 72, <https://www.wti.org/research/publications/274/the-democratic-legitimacy-of-wto-law-on-the-dangers-of-fast-food-democracy/>.
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54. '\*Gender Discrimination under EU and ECHR Law – Never Shall the Twain Meet?', (2008) 8:4 *Human Rights Law Review* 647-682.

55. 'Une Institution nationale des droits de l'homme en Suisse : Comment, mais surtout pourquoi?', *Jusletter* 9th June, 2008, <https://jusletter.weblaw.ch/juslissues/2008/473/6577.html> ONCE [A National human rights institution for Switzerland: How, but above all why?].
56. 'How International is the European Legal Order?: Retracing Tuori's steps in the exploration of European legal pluralism', (2008) 8 *No Foundations* 50-70, <https://nofoundations.com/issues/NoFo5Besson.pdf>.
57. 'Towards European Citizenship', with André Utzinger, (2008) 39:2 *Journal of Social Philosophy* 185-208.
58. 'La pluralité d'Etats responsables – Vers une solidarité internationale ?', (2007) 1 *Revue suisse de droit international et de droit européen* 13-38 [The Joint and Several Liability of States].
59. 'Introduction: Future Challenges of European Citizenship. Facing a Wide-open Pandora's Box', with André Utzinger, Special issue on *Future Challenges of European Citizenship*, (2007) 13:5 *European Law Journal* 573-90.
60. 'Enforcing the Child's Right to Know Her Origins. Contrasting Approaches under the Convention on the Rights of the Child and the European Convention on Human Rights', (2007) 21 *International Journal of Law, Policy and the Family* 137-59.
61. 'Europe as a Democratic Polity', (2007) 30:1/116 *Retfaerd - Nordisk Juridisk Tidsskrift* 3-21.
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65. 'Die Tugend des Konflikts', (2006) 1 *Rechtsphilosophie* 21-37 [The virtue of conflict].
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71. 'Sovereignty in conflict', (2004) 8:15 *European Integration online Papers*, <http://eiop.or.at/eiop/texte/2004-015a.htm>.
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[\* = peer-reviewed]

## Chapters

1. 'Equity in Reparations after *Factory at Chorzów*', in Kulick, A., Paddeu, F., and Paparinskis, M. (eds), *Chorzów Factory at 100*, Oxford: Oxford University Press 2028, in preparation.
2. \*'Justifications of Human Rights', in Moeckli, D., Shah, S. and Sivakumaran, S. (eds), *International Human Rights Law*, 4<sup>th</sup> edn, Oxford: Oxford University Press 2027, in preparation (revised edition of the 2022 piece).
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[\* = peer-reviewed]

## Legal opinions

1. *La pratique suisse de détermination du droit international coutumier*, Avis de droit pour le Département fédéral des affaires étrangères à la demande de la Commission du droit international/Good opinion on the *Swiss practice of determination of customary international law* for the Swiss Foreign Affairs Department at the request of the International Law Commission, 31 August 2015, with Odile Ammann, 189 pages (available under: (2016) 21 *Cahiers fribourgeois de droit européen*, [https://www.unifr.ch/ius/euroinstitut/fr/assets/public/files/publications/cahiers%20fribourgeois/cahier\\_21.pdf](https://www.unifr.ch/ius/euroinstitut/fr/assets/public/files/publications/cahiers%20fribourgeois/cahier_21.pdf)).