I • CON
International Journal of Constitutional Law
Vol. 16 No. 1 January 2018

Contents

Editorial

Tributes to Norman Dorsen: Founding Editor of I-CON (1930–2017) 11

Articles

Nicholas Aroney. The formation and amendment of federal constitutions in a Westminster-derived context 17

Rosalind Dixon and Felix Uhlmann. The Swiss Constitution and a weak-form unconstitutional amendment doctrine? 54

Ingo Venzke and Joana Mendes. The idea of relative authority in European and international law 75

Christian Bjornskov and Stefan Voigt. The architecture of emergency constitutions 101

Symposium: Comparing regional human rights regimes

Başak Çah, Mikael Rask Madsen and Frans Viljoen. Comparative regional human rights regimes: Defining a research agenda 128


Françoise Hampson, Claudia Martin and Frans Viljoen. Inaccessible apexes: Comparing access to regional human rights courts and commissions in Europe, the Americas, and Africa 161


Başak Çah. Explaining variation in the intrusiveness of regional human rights remedies in domestic orders 214

Laurence R. Helfer. Subregional courts in Africa: Litigating the hybrid right to free movement of persons 235

Critical Review of Governance

Gabriel L. Negretto. Democratic constitution-making bodies: The perils of a partisan convention 254

Book Reflections

Dieter Grimm. Constitutional jurisprudence observed by a political scientist 280

Coel Kirkby. Citizen and subject: On historicizing constitutional law 282
Book Reviews

Angioletta Sperti. Constitutional Courts, Gay Rights and Sexual Orientation Equality (Ivana Isailovic) 287

Brian Ray. Engaging with Social Rights: Procedure, Participation and Democracy in South Africa’s Second Wave (Sandra Liebenberg) 289

James Fowkes. Building the Constitution. The Practice of Constitutional Interpretation in Post-Apartheid South Africa (Hugh Corder) 296

Karin Loevy. Emergencies in Public Law: The Legal Politics of Containment (Nomi Claire Lazar) 300


Kemal Gözler. Elveda Anayasə [Farewell Constitution] (Cem Tecimer) 307

Editorial

We invited Lorenzo Casilli, member of the Editorial.*

The future of (international)

1. As good as it gets?

On September 27, 2016, the Internation

punished the intentional destruction of 24, 2017, the United Nations Security C
the destruction and smuggling of cultur
March 30 to March 31, 2017, in Floren
Culture, together with representatives o
Italy’s Presidency of the G7, and resulted
as an instrument for dialogue among Pe

These three episodes are evidence th:
progressively becoming more aware of t
urgent need to take global common actf
fact, the shocking images from Palmyr,
several investigations show that terr
a primary target but also as potential reve

Can we therefore affirm that a new era be
gun? If so, what kinds of effects can this
lic law generally? And, finally, what is t
protection of cultural heritage can play wi

The ICC Al-Mahdi decision on the desti
gap which in the past only a few forwa
for the former Yugoslavia—were able to ev
as a war criminal, under article 8, para
who had intentionally directed “attacks a

* Professor of Administrative Law, IMT School for
lni@imtlucca.it.

1 https://www.icc-cpi.int/CourtRecords/CR2016_0


3 http://www.beniculturali.it/mibac/multimedia/M

Dichiarazione.pdf [hereinafter Florence Declaratio

ïCON (2018), Vol. 16 No. 1, 1–10