

## 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 2027, in preparation.
2. *The Private & Public Relation in International Law*, Brill Research Perspectives in International Legal Theory and Practice, Leiden/Boston: Brill/Nijhoff 2027, in preparation.
3. *Que peut et surtout que doit encore le droit international ?*, Paris: Seuil, 2026, in press.
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. *Property in Outer Space under Public and Private International Law & Philosophy. "The Province of All Mankind"?*, Space Law Series, Cheltenham: Edward Elgar Publishing 2027, in press.
2. *Génocide. Droit et histoire du crime des crimes*, edited with Henry Laurens, Paris: Éditions du Collège de France 2026, in press.

3. *Democratic Representation in International Organizations*, ASIL International Legal Theory Series, Cambridge: Cambridge University Press 2026 (392 pages).
4. *International Cooperation under the Human Right to Science*, edited with Katja Achermann, Cheltenham: Edward Elgar Publishing 2026 (256 pages).
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. \*'Science as a Public Good and Scientific Sovereignty', Special issue on science as a public good, (2026) Royal Society Open Science, in preparation.
2. 'La pratique suisse du droit international 2025', with Lucius Cafilisch, (2026) 36 Swiss Review of International Law, forthcoming.
3. '*Seeing like a Region*. The Regional Re-Ordering of International Law', (2026) 68(1) German Yearbook of International Law, in press.
4. \*'Equity as a General Principle in EU External Relations Law', (2026) 11(2) European Papers 749-775.
5. \*'The International Law of Academic Freedom: Grounding a Human Right and Responsibility to Science', (2026) 44(2) Netherlands Quarterly of Human Rights 1-17.
6. \*'In What Sense are International Organisations "Public"? A Plea for a Public International Law of Organisation', (2026) 39(2) Leiden Journal of International Law 1-20.
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8. 'La pratique suisse du droit international 2024', with Lucius Cafilisch, (2025) 35 Swiss Review of International Law 1-137.
9. \*'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>.
10. \*'What can Public International Law do against Privatization?', (2024) 15(3) Transnational Legal Theory 341-369.
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12. '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.
13. 'The Politics of Regional International Organizations: A New Dawn for the Political Legitimacy of International Law', Special issue on The International Law of Regional Organizations, (2024) 21(1) International Organizations Law Review 87-114.
14. \*'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.
15. '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.
16. 'La souveraineté *en et de* droit international. Petit exercice de démystification', (2023-24) Annuaire suisse de droit européen 407-420.
17. 'La souveraineté *en et de* droit international. Renverser le renversement', (2023) 86(2) Les Annales de droit de Louvain 227-232.
18. \*'International Cooperation under the Human Right to Science: What and Whose Duties?', with Katja Achermann, (2023) Frontiers in Sociology, 8.1273984, doi: 10.3389/fsoc.2023.1273984.
19. \*'Democratic Representation within International Organizations. From International Good Governance to International Good Government', (2022) 19(3) International Organizations Law Review 489-527.
20. '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).
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22. \*'The International Public: A Farewell to Functions in International Law', (2021) 115 American Journal of International Law Unbound 307-311.
23. '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.
24. 'Reconstruire le droit international à partir des organisations régionales/Reconstructing International Law starting from Regional Organizations', (2021) 2 Revue européenne du droit 64-8.
25. '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.
26. \*'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.
27. 'COVID-19 and the WHO's Political Moment', (2020) EJIL Talk!, <https://www.ejiltalk.org/covid-19-and-the-whos-political-moment/>.

28. \*'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>.
29. '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/>.
30. '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.
31. \*'International Courts and the Jurisprudence of Statehood', (2019) 9:3-4 Transnational Legal Theory 30-64.
32. \*'International Human Rights Law and Mirrors', (2018) 7:2 ESIL Reflections, <https://esil-sedi.eu/wp-content/uploads/2018/04/ESIL-Reflection-Besson.pdf>.
33. \*'Legitimate Actors of International Law-Making – Towards a Theory of International Democratic Representation', with José Luis Martí, (2018) 9:3 Jurisprudence 504-40.
34. '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.
35. \*'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.
36. \*'Law Beyond the State: A Reply to Liam Murphy', (2017) 28:1 European Journal of International Law 233-40.
37. 'L'Etat, cet angle mort du droit international', (2017) *Quid* – Fribourg Law Review 6-8.
38. \*'Subsidiarity in International Human Rights Law – What is Subsidiary about Human Rights?', (2016) 61:1 American Journal of Jurisprudence 69-107.
39. \*'State Consent and Disagreement in International Law-Making – Dissolving the Paradox', (2016) 29:2 Leiden Journal of International Law 289-316.
40. \*'The Bearers of Human Rights' Duties and Responsibilities for Human Rights – A Quiet (R)Evolution', (2015) 32:1 Social Philosophy & Policy 244-68.
41. \*'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.
42. \*'Introduction/Mapping the Issues', Special issue on the Human Right and Science, (2015) 4 European Journal of Human Rights 403-10.
43. '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.
44. '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.
45. '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.
46. \*'The Law in Human Rights Theory', (2013) 7:1 Zeitschrift für Menschenrechte – Journal for Human Rights 120-50.
47. \*'The Egalitarian Dimension of Human Rights', (2013) Archiv für Sozial- und Rechtsphilosophie Beiheft 136, *Law, Science, Technology* 19-52.
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49. \*'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.
50. 'Françoise Tulkens on Human Rights' Restrictions', Guest post, (2012) Strasbourg Observers, <http://strasbourgobservers.com/2012/08/16/francoise-tulkens-on-human-rights-restrictions/>.
51. '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.
52. \*'Evolutions in Non-Discrimination Law within the ECHR and the ESC Systems: It Takes Two to Tango in the Council of Europe', in de Burca, G. and Rubio Marin, R. (eds), *Evolutions in Anti-Discrimination Law in Europe and North America*, Special issue, (2012) 60 American Journal of Comparative Law 147-80.
53. 'International Legality – A Response to Hathaway & Shapiro', Online symposium, (2011) *Opinio Juris*, <http://opiniojuris.org/2011/11/15/international-legality-a-response-to-hathaway-shapiro/>.
54. '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/>.

55. \*'Sovereignty, International Law and Democracy', Symposium on Jeremy Waldron's "Are Sovereigns Entitled to the Benefit of the International Rule of Law?", (2011) 22:2 *European Journal of International Law* 373-87.
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59. \*'Gender Discrimination under EU and ECHR Law – Never Shall the Twain Meet?', (2008) 8:4 *Human Rights Law Review* 647-682.
60. 'Une Institution nationale des droits de l'homme en Suisse : Comment, mais surtout pourquoi ?', *Jusletter* 9th June, 2008, <https://jusletter.weblaw.ch/jusissues/2008/473/6577.html> ONCE [A National human rights institution for Switzerland: How, but above all why?].
61. \*'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>.
62. \*'Towards European Citizenship', with André Utzinger, (2008) 39:2 *Journal of Social Philosophy* 185-208.
63. '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].
64. \*'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.
65. \*'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.
66. \*'Europe as a Demoi-cratic Polity', (2007) 30:1/116 *Retfaerd - Nordisk Juridisk Tidsskrift* 3-21.
67. \*'The Concept of Constitution in Europe: Interpretation *in lieu of* Translation', Short paper prepared for the Panel "What should we expect from European Constitutionalism", University of Helsinki, 30 September 2006, (2007) 3 *No Foundations: Journal of Extreme Legal Positivism*, <http://www.helsinki.fi/nofo/NoFo3Besson.pdf>.
68. 'Souveraineté, responsabilité et neutralité. Comment ne pas faire de la neutralité active un lit de Procuste', *Jusletter* 21st August, 2006, <https://jusletter.weblaw.ch/jusissues/2006/385/4933.html> [Sovereignty, responsibility and neutrality. How not to make of active neutrality a Procrustean bed].
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71. 'The Many European Constitutions and the Future of European Constitutional Theory', (2006) *Archiv für Rechts- und Sozialphilosophie Beiheft* 105, *Staats- und Verfassungstheorie im Spannungsfeld der Disziplinen* 160-189.
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73. 'La légitimité de l'arbitrage international d'investissement', *Jusletter* 25th July, 2005, <https://jusletter.weblaw.ch/fr/jusissues/2005/336/3932.html> [The Legitimacy of International Investment Arbitration].
74. 'La Constitution de la société civile', Special issue on the new Constitution of the Canton of Fribourg, (2005) 1 *Revue Fribourgeoise de Jurisprudence* 323-47 [The Constitution of civil society].
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82. 'Liberté d'association et égalité de traitement – une dialectique difficile. Une comparaison des modèles théoriques américain et suisse', (2001) 1 *Revue de Droit Suisse* 43-75 [Freedom of association and equal treatment – A difficult dialectic. A comparative study of the American and Swiss theoretical models].
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[\* = peer-reviewed]

## Chapters

1. 'International Regional Integration through Human Rights: Comparative Assessment and Implications for the Regionalization of International Law', in Millet, F.X. (ed.), *The Human Rights Mandate of Regional Integration Courts in the World*, 2027, in preparation.
2. 'La fin du "décalque des institutions européennes": vers un droit inter-régional comparé de l'État', in Barroche, J. and Bligh, G. (eds), *Le concept d'Etat à travers les civilisations*, 2027, forthcoming.
3. 'Equity in Reparations after *Factory at Chorzów*', in Kulick, A., Paddeu, F., and Paparinskis, M. (eds), *Chorzów Factory at 100*, Oxford: Oxford University Press 2027, forthcoming.
4. '\*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 2026, in press (revised edition of the 2022 piece).
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7. 'No Democratic Representation without Institution. Lifting the Veil of Functionalist, Incorporation and Agency Theories of Democratic Representation by International Organizations', with José Luis Martí, in Besson, S. (ed.), *Democratic Representation in International Organizations*, ASIL International Legal Theory Series, Cambridge: Cambridge University Press 2026, 249-282.
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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)).