Foreword		page ix	
Preface		xiii	
List of abbreviations		xvi	
1	Women and the international legal system	1	
	Introduction	1	
	Gender and sex	3	
	The global position of women	4	
	International legal responses to the position of women	14	
	The approach of this book	18	
2	Feminist theories and international law	23	
	Introduction	23	
	Theories of international law	23	
	Natural law	25	
	Positivism	26	
	Liberal international legal theory	28	
	The 'New Haven' school	32	
	'Newstream' theories	34	
	'Southern' theories of international law	36	
	Feminist theories of law	38	
	Liberal feminism	38	
	Cultural feminism	40	
	Radical feminism	42	
	Post-modern feminism	44	
	Third world feminisms	46	
	Using feminist theories in international law	48	
	Essentialism	52	
	Exploring public/private distinctions in international law	56	
	Conclusion	59	

3	Modes of international law-making	62
J	Introduction	62
	Sources of international law	62
	Statute of the ICJ, article 38(1)	62
	Other sources	65
	Debates on the sources of international law	67
	Women's participation in international law-making	70
	Customary international law and 'soft' law	71
	General principles of law	77
	Subsidiary sources of law	80
	Broadening the sources of law	88
	NGOs	88
	International civil society	90
	Conclusion	93
	Conclusion	
	4 The law of treaties	96
	Introduction	96
	The process of treaty-making	97
	Treaty negotiation	97
	NGOs and treaty-making	99
	Reservations	102
	Implementation of treaties into domestic law	113
	Jus cogens	118
	Treaty termination	121
	Conclusion	122
	5 The idea of the state	124
	Introduction	124
	The concept of statehood in international law	125
	A permanent population	126
	Defined territory	128
	Government	132
	Capacity to enter into relations with other states	133
	Jus cogens	136
	The sex of the state	137
	Recognition and statehood	139
	State jurisdiction	143
	Immunity from jurisdiction	145
	State responsibility	148
	Self-determination in international law	151
	The right to self-determination	151
	Self-determination and Palestinian women	155
	Rethinking self-determination	162
	Recasting the state	164

6	International institutions	171
	Introduction	171
	International inter-governmental institutions	171
	Women in the UN	174
	Participation of women	174
	UN responses	180
	Sexual harassment	187
	Women's participation and representation in decision- and	
	policy-making	189
	Gender mainstreaming	195
	Conclusion	196
7	Human rights	201
	Introduction	201
	The evolution of human rights law	201
	Feminist critiques of rights	208
	Women's rights in international law	212
	General instruments	214
	Women-specific instruments	216
	Inadequacies of human rights law for women	218
	Marginalisation of women's rights	218
	Inadequate enforcement and implementation	220
	The influence of cultural relativism	222
	The limited understanding of 'equality' in	
	international law	229
	'Human' rights as men's rights	231
	First generation rights	233
	Second generation rights	237
	Third generation rights	240
	Women and human rights law	244
	Invocation of international rights in national fora	244
	A complaints mechanism for the Women's Convention	244
	Gender 'mainstreaming' in human rights treaty bodies	246
	Conclusion	247
8	The use of force in international law	250
	Introduction	250
	The impact of armed conflict on women	250
	Rape and sexual violence	252
	Daily survival	255
	Changing roles of women in armed conflict	256
	Women and the use of force	257
	The use of force under international law	260
	Self-defence	260

	Self-determination Humanitarian intervention Conclusion	263268270
9	Peaceful settlement of disputes	275
	Introduction	275
	Identification of an international dispute	275
	Dispute resolution under the UN Charter	279
	The concept of collective security	280
	Peace-making	287
	Peaceful dispute resolution	287
	'Alternative' dispute resolution and women	288
	Women and international dispute resolution	290
	Peacekeeping	293
	The scope of peacekeeping	293
	Peacekeeping: the absence of women	294
	Legal protection and regulation of peacekeepers	295
	Preventive diplomacy and peace-building	297
	Economic sanctions	301
	Conclusion	304
10 Redrawing the boundaries of international law		308
	Introduction	308
	Women in international criminal law	309
	Women's participation in the Tribunals	310
	Jurisdiction of the Tribunals	313
	International humanitarian law	313
	Genocide	317
	Crimes against humanity	319
	Prosecution policies and judicial interpretation	321
	Rules of procedure and evidence	324
	Has international criminal law been transformed?	330
	Conclusion	335
	Bibliography	338
	Table of cases	379
	Table of treaties	385
	Index	200