

Contents

Acknowledgements

ix

Introduction William A. Schabas

xiii

PART I PIONEERS OF INTERNATIONAL JUSTICE

1. Åke Hammar skjöld (1935), 'The Permanent Court of International Justice and the Development of International Law', *International Affairs*, **14** (6), November–December, 797–817 3
2. Georg Schwarzenberger (1947), 'The Judgment of Nuremberg', *Tulane Law Review*, **XXI** (3), March, 329–61 24
3. Manfred Lachs (1983), 'Some Reflections on the Contribution of the International Court of Justice to the Development of International Law', *Syracuse Journal of International Law and Commerce*, **10**, 239–78 57
4. Tjaco T. Van Den Hout (2008), 'Resolution of International Disputes: The Role of the Permanent Court of Arbitration – Reflections on the Centenary of the 1907 Convention for the Pacific Settlement of International Disputes', *Leiden Journal of International Law*, **21** (3), September, 643–61 97

PART II THEORETICAL MATTERS

5. Laurence R. Helfer and Anne-Marie Slaughter (2005), 'Why States Create International Tribunals: A Response to Professors Posner and Yoo', *California Law Review*, **93** (3), May, 899–956 119
6. Gilbert Guillaume (1995), 'The Future of International Judicial Institutions', *International and Comparative Law Quarterly*, **44** (4), October, 848–62 177
7. Yuval Shany (2009), 'No Longer a Weak Department of Power? Reflections on the Emergence of a New International Judiciary', *European Journal of International Law*, **20** (1), February, 73–91 192
8. Cesare P.R. Romano (2007), 'The Shift from the Consensual to the Compulsory Paradigm in International Adjudication: Elements for a Theory of Consent', *New York University Journal of International Law and Politics*, **39**, 791–872 211

PART III FRAGMENTATION?

9. Gerhard Hafner (2004), 'Pros and Cons Ensuing from Fragmentation of International Law', *Michigan Journal of International Law*, **25**, Summer, 849–63 295

10. Pierre-Marie Dupuy (1999), 'The Danger of Fragmentation or Unification of the International Legal System and the International Court of Justice', *New York University Journal of International Law and Politics*, **31**, 791–807 310
11. Ruti Teitel and Robert Howse (2009), 'Cross-Judging: Tribunalization in a Fragmented but Interconnected Global Order', *New York University Journal of International Law and Politics*, **41**, 959–90 327
12. Emmanuel Decaux (2011), 'The Place of Human Rights Courts and International Criminal Courts in the International System', *Journal of International Criminal Justice*, **9** (3), July, 597–608 359
13. Chester Brown (2002), 'The Proliferation of International Courts and Tribunals: Finding Your Way through the Maze' [review essay], *Melbourne Journal of International Law*, **3** (2), October, 453–75 371
14. Sonia Morano-Foadi and Stelios Andreadakis (2011), 'The Convergence of the European Legal System in the Treatment of Third Country Nationals in Europe: The ECJ and ECtHR Jurisprudence', *European Journal of International Law*, **22** (4), November, 1071–88 394

PART IV RELATIONSHIPS

15. Dinah Shelton (2009), 'Form, Function, and the Powers of International Courts', *Chicago Journal of International Law*, **9** (2), Winter, 537–71 415
16. Antonio Cassese (2007), 'The *Nicaragua* and *Tadić* Tests Revisited in Light of the ICJ Judgment on Genocide in Bosnia', *European Journal of International Law*, **18** (4), September, 649–68 450
17. J.G. Merrills (2007), 'The Mosaic of International Dispute Settlement Procedures: Complementary or Contradictory?', *Netherlands International Law Review*, **LIV** (2), August, 361–93 470
18. Rosalyn Higgins (2003), 'The ICJ, the ECJ, and the Integrity of International Law', *International and Comparative Law Quarterly*, **52** (1), January, 1–20 503

PART V CONTEMPORARY INSTITUTIONS

19. David D. Caron (1990), 'The Nature of the Iran–United States Claims Tribunal and the Evolving Structure of International Dispute Resolution', *American Journal of International Law*, **84** (1), January, 104–56 525
20. Nadia Bernaz (2012), 'Delivering Justice in the Caribbean: A Human Rights Assessment of the Caribbean Court of Justice', *Public Law*, (4), October, 703–23 578
21. Natalie Klein (2004), 'State Responsibility for International Humanitarian Law Violations and the Work of the Eritrea Ethiopia Claims Commission So Far', *German Yearbook of International Law*, **47**, 214–66 599

22. Robin C.A. White and Iris Boussiakou (2009), 'Voices from the European Court of Human Rights', *Netherlands Quarterly of Human Rights*, **27** (2), 167–89 652
23. Rüdiger Wolfrum (2008), 'The Settlement of Disputes before the International Tribunal for the Law of the Sea: A Progressive Development of International Law or Relying on Traditional Mechanisms?', *Japanese Yearbook of International Law*, **51**, 140–63 675
24. William J. Davey (2005), 'The WTO Dispute Settlement System: The First Ten Years', *Journal of International Economic Law*, **8** (1), March, 17–50 699
25. Thomas E. Carbonneau (2004), 'Arbitral Law-Making', *Michigan Journal of International Law*, **25**, Summer, 1183–208 733

PART VI THE FUTURE

26. Laurence Boisson de Chazournes and Edouard Fromageau (2012), 'Balancing the Scales: The World Bank Sanctions Process and Access to Remedies', *European Journal of International Law*, **23** (4), November, 963–89 761
27. William A. Schabas (2011), 'The International Criminal Court at Ten', *Criminal Law Forum*, **22** (4), December, 493–509 788
28. Frans Viljoen (2004), 'A Human Rights Court for Africa, and Africans', *Brooklyn Journal of International Law*, **30**, 1–66 805
29. Gina Bekker (2007), 'The African Court on Human and Peoples' Rights: Safeguarding the Interests of African States', *Journal of African Law*, **51** (1), April, 151–72 871
30. Manfred Nowak (2007), 'The Need for a World Court of Human Rights', *Human Rights Law Review*, **7** (1), 251–59 893
31. Antonio Cassese (2012), 'The International Court of Justice: It is High Time to Restyle the Respected Old Lady', in *Realizing Utopia: The Future of International Law*, Chapter 19, Oxford, UK: Oxford University Press, 239–49 902