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Third report on subsidiary means for the determination of rules of international law by Charles Chernor Jalloh, Special Rapporteur

Addendum

Preliminary selected bibliography on subsidiary means for the determination of rules of international law prepared by the Special Rapporteur**

* Second reissue for technical reasons (14 May 2025).

** The Special Rapporteur is grateful to the handful of members of the Commission who have suggested items for the current bibliography. He welcomes additional suggestions from other members for inclusion in the next version of the present bibliography. All such suggestions would preferably be shared directly with the Special Rapporteur, or alternatively, through the Secretariat of the Commission.



The Commission decided to prepare a bibliography for the present topic of subsidiary means for the determination of rules of international law consistent with the proposal of the Special Rapporteur in the syllabus for the topic¹ and in his first,² second³ and third reports.⁴ The bibliography contained in the present addendum to the third report is presented in light of that decision. The references contained in the bibliography contains a comprehensive set of materials drawn predominantly from the working language of the Special Rapporteur, but also other languages, and seeks to be inclusive of a wide range of literature and materials partially or wholly addressing judicial and other decisions, scholarly writings and the other subsidiary means generally used in practice for the determination of rules of international law. The selected bibliography, which in its final version, will aim to be fully representative of the various languages, principal legal systems and regions of the world, is meant to be a comprehensive starting point for legal researchers. As the use of the word “selected” in the title indicates, the bibliography is not intended to be exhaustive.

I. Selected writings on or related to the subsidiary means for the determination of rules of international law

A. Books

Agpalo, R.E., *Public International Law* (Rex 2006).

Abass, A., *International Law: Text, Cases, and Materials* (2nd edn, Oxford University Press 2014).

Aust, A., *Handbook of International Law* (2nd edn, Cambridge University Press 2010).

Bassiouni, M.C., *International Extradition: United States Law and Practice*, 6th ed., (Oxford University Press, 2014).

Bethlehem, D., *The Greening of International Dispute Settlement? Stepping Back a Little, Proceedings of the ASIL Annual Meeting*, (Cambridge University Press, 2021).

Billib, R., *Die Allgemeinen Rechtsgrundsätze gemäss Artikel 38 I c des Statuts des Internationalen Gerichtshofes: Versuch einer Deutung* (Dissertation, Göttingen, 1972).

Bleckmann, A., *Die Funktion der Lehre im Völkerrecht: Materialien zu einer allgemeinen Methoden- und Völkerrechtslehre* (Cologne: Heymann, 1981).

Bleckmann, A., *Grundprobleme und Methoden des Völkerrechts* (Freiburg/Munich: Karl Alber, 1982).

Boas, G., *Public International Law: Contemporary Principles and Perspectives* (Edward Elgar 2012).

Boyle, A. and Chinkin, C., *The Making of International Law* (Oxford University Press 2007).

Brierley, J. L. *The Law of Nations: An Introduction to the International Law of Peace*, 5th ed. (Oxford University Press, 1955).

Brinkmann, S. and Kvale, S., *InterViews: Learning the Art of Qualitative Research Interviewing* (3rd edn, Sage 2015).

Brownlie, I., *Principles of Public International Law*. (Oxford University Press 2008).

¹ See Report of the International Law Commission on the work of its seventy-second session, *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 10 (A/76/10)*, annex, chap. VI, para. 38 (v).

² First report on subsidiary means for the determination of rules of international law, by Mr. Charles Chernor Jalloh, Special Rapporteur, [A/CN.4/760](#), para. 68.

³ Second report on subsidiary means for the determination of rules of international law, by Mr. Charles Chernor Jalloh, Special Rapporteur, [A/CN.4/769](#), paras. 29 and 38.

⁴ Third report on subsidiary means for the determination of rules of international law, by Mr. Charles Chernor Jalloh, Special Rapporteur, [A/CN.4/781](#), paras. 6 and 19-20.

- Cançado Trindade, A.A., *International Law for Humankind: Towards a New Jus Gentium* (Martinus Nijhoff 2010).
- Cassese, A., *Five Masters of International Law, Conversations with R-J Dupuy, E. Jimenez de Arechaga, R. Jennings, L. Henkin, and O. Schachter*, (Hart Publishing 2011).
- Cassese, A., *International Law in a Divided World* (Oxford University Press 1986).
- Cassese, A., *International Law* (2nd edn, Oxford University Press 2005).
- Chinkin, C., *The Boundaries of International Law: A Feminist Analysis* (Manchester University Press 2000).
- Chionos, T., *Zur Übertragung innerstaatlicher Begriffe und Rechtsgrundsätze in das Völkerrecht* (Tübingen: Mohr Siebeck, 2020).
- Clapham, A., *Brierly's Law of Nations: An Introduction to the Role of International Law in International Relations* (7th edn, Oxford University Press 2012).
- Crawford, J., *Brownlie's Principles of Public International Law*, (9th ed. Oxford University Press, 2019).
- Crawford, J. *Brownlie's Principles of Public International Law* (8th edn, Oxford University Press 2012).
- Crawford, J., *The Creation of States in International Law*, (2nd ed., Oxford University Press, 2007).
- Crawford, J., *International Law as an Open System: Selected Essays* (Cameron May 2002).
- Crawford, J., *Chance, Order, Change: The Course of International Law*, (Brill 2014).
- Danilenko G.M., *Law-Making in the International Community* (Martinus Nijhoff 1993).
- Darcy, S., *Judges, Law and War: The Judicial Development of International Humanitarian Law* (Cambridge, United Kingdom, Cambridge University Press, 2014).
- David, R. and Henry P. de Vries, *The French Legal System: An Introduction to Civil Law Systems* (New York, Oceana Publications, 1958).
- de Louter, J., *Le droit international public positif*, vol. 1 (Oxford, Oxford University Press, 1920).
- de Vattel, *Le Droit des Gens ; ou, Principes de la Loi Naturelle Appliqués à la Conduite et aux Affaires des Nations et des Souverains* Book III. (Carnegie Institution of Washington, 1916).
- Degan V.D., *Sources of International Law* (Martinus Nijhoff 1997).
- Dhokalia, R.P., *The Codification of Public International Law* (Manchester University Press 1970).
- Dixon, M., *Textbook on International Law* (7th edn, Oxford University Press 2013).
- Douglas, Z., *The International Law of Investment Claims* (Cambridge University Press 2009).
- Dugard, J., *International Law: A South African Perspective* (4th ed, Juta and Co 2011).
- Duxbury, N., *Judges and Jurists: An Essay on Influence* (Hart 2001).
- Fauchille, P., *Traité de droit international public*, vol. 1, Part 2, 8th ed. (Paris, Rousseau, 1925).
- Fitzmaurice, M., *Contemporary Issues in International Environmental Law*, (Edward Elgar, 2009).
- Forteau M, Miron A, and Pellet A, *Droit International Public* (9th edn, L.G.D.J.2022).
- Franck, T.M., *The Power of Legitimacy Among Nations* (Oxford University Press 1990).
- Gardiner, R., *Treaty Interpretation* (2nd ed., Oxford University Press 2015).

- Georgetti, C. and M. Pollack (eds.), *Beyond Fragmentation: Cross-Fertilization, Cooperation and Competition among International Courts and Tribunals*, (Cambridge University Press 2022).
- Grant, J.P., *International Law* (Dundee University Press 2010).
- Green, L.C., *International Law: A Canadian Perspective* (2nd edn, The Carswell Company 1988).
- Greig, D.W., *International Law* (2nd edn, Butterworths 1976).
- Hall, S., *International Law* (2nd edn, LexisNexis Butterworths 2006).
- Harris, D.J., *Cases and Materials on International Law* (8th edn, Sweet & Maxwell 2015).
- Helmersen, S.T., *The Application of Teachings by the International Court of Justice*. (Cambridge University Press, 2021).
- Hernández, G.I., *The International Court of Justice and the Judicial Function* (Oxford University Press 2014).
- Higgins, R., *Problems and Process: International Law and How We Use It* (Oxford University Press 1995).
- Higgins, R., *Themes and Theories: Selected Essays, Speeches, and Writings in International Law*, (Oxford University Press, 2009).
- Hillier, T., *Sourcebook on Public International Law*, (Cavendish Publishing Ltd. 1998).
- Hudson, M.O., *The Permanent Court of International Justice 1920–1942: A Treatise* (Macmillan 1943).
- J. d’Aspremont, *Formalism and the Sources of International Law* (Oxford University Press 2011).
- J. d’Aspremont, *Epistemic Forces in International Law* (Edward Elgar 2015).
- Jalloh, C., *The Legal Legacy of the Special Court for Sierra Leone* (Cambridge, Cambridge University Press, 2020).
- Jansen, N., *The Making of Legal Authority: Non-legislative Codifications in Historical and Comparative Perspective* (Oxford University Press 2010).
- Kaczorowska, A., *Public International Law* (4th edn, Routledge 2010).
- Klabbers, J., *International Law* (Cambridge University Press 2013).
- Kolb, R., *The International Court of Justice* (Hart 2013).
- Kolb, R., *The Elgar Companion to the International Court of Justice* (Edward Elgar 2014).
- Koskenniemi, M., *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge University Press 2001).
- Koskenniemi, M., *From Apology to Utopia: The Structure of International Legal Argument* (2nd edn, Cambridge University Press 2006).
- Lachs, M., *The Teacher in International Law* (2nd edn, Martinus Nijhoff 1987).
- Lauterpacht, H., *The Development of International Law by the International Court* (Cambridge University Press, 1958).
- Lowe, V., *International Law* (Oxford University Press 2007).
- MacCormick, N. and Summers, R.S. (eds.), *Interpreting Precedents: A Comparative Study* (Aldershot 1997).
- Mackenzie, R. and others, *Selecting International Judges: Principle, Process, and Politics* (Oxford University Press 2010).
- Malanczuk, P., *Akehurst’s Modern International Law* (7th edn, Routledge 1997).
- Mälksoo, L., *Russian Approaches to International Law* (Oxford University Press 2015).

- Markus, T., *Rechtsvergleichung im Völkerrecht* (Tübingen: Mohr Siebeck, 2021).
- Marro, P.Y., *Allgemeine Rechtsgrundsätze des Völkerrechts: Zur Verfassungsordnung des Völkerrechts* (Zurich: Schulthess, 2010).
- McLeod, I., *Legal Method* (9th edn, Palgrave Macmillan 2013).
- McNair, A.D., *The Law of Treaties*, (Clarendon Press 1961).
- Merrills, J.G., *International Dispute Settlement* (5th edn, Cambridge University Press 2011).
- Merryman, J.H. and Pérez-Perdomo, R., *The Civil Law Tradition: An Introduction to the Legal Systems of Europe and Latin America* (3rd edn, Stanford University Press 2007).
- Moore, J. B., *A Digest of International Law*, vol. 1 (Washington, Government Printing Office, 1906).
- Murphy, J.F., *The Evolving Dimensions of International Law: Hard Choices for the World Community* (Cambridge University Press 2010).
- O’Connell, D.P., *International Law*, vol. I (2nd edn, Stevens and Sons 1970).
- O’Connell, M.E., *The Power and Purpose of International Law: Insights from the Theory and Practice of Enforcement* (Oxford University Press 2008).
- Oppenheim, L., *Oppenheim’s International Law*, 9th ed. Oxford University Press, 1992.
- Oppenheim L., *International Law: A Treatise*, vol. I (Longmans, Green, and Co. 1905).
- Oppenheim, L. (ed.), *The Collected Papers of John Westlake on Public International Law* (Cambridge University Press 1914).
- Parry C., *The Sources and Evidence of International Law* (Manchester University Press 1965).
- Pauwelyn, J., *Conflict of Norms in Public International Law: How WTO Law Relates to other Rules of International Law* (Cambridge University Press 2003).
- Peters, A., Ulfstein, G., and Klabbers, J., *The Constitutionalization of International Law* (Oxford University Press 2009).
- Posner, R.A., *The Little Book of Plagiarism* (Pantheon 2007).
- Prott, L.V., *The Latent Power of Culture and the International Judge* (Professional Books 1979).
- Raimondo, F., *General Principles of Law in the Decisions of International Criminal Courts and Tribunals* (Martinus Nijhoff 2008).
- Roberts, A.E., *Is International Law International?* (Oxford University Press 2017).
- Rosenne, S., *Practice and Methods of International Law* (Oceana Publications 1984).
- Rosenne, S., with the Assistance of Ronen, Y., *The Law and Practice of the International Court 1920–2005, Vol. III* (4th edn, Martinus Nijhoff 2006).
- Rosenne, S., “*The Perplexities of Modern International Law*”, (Martinus Nijhoff 2004).
- Schachter, O., *International Law in Theory and Practice* (Martinus Nijhoff 1991).
- Schmitz, S., *Allgemeine Rechtsgrundsätze in der Rechtsprechung des Iran-United States Claims Tribunal* (Frankfurt/New York: Peter Lang, 1992).
- Schwarzenberger, G., *International Law, Volume 1: International Law as Applied by International Courts and Tribunals: I* (3rd edn, Stevens and Sons 1957).
- Shahabuddeen, M., *Precedent in the World Court* (Cambridge University Press 1996).
- Shaw, M. N., *International Law*, (8th ed. Cambridge University Press, 2017).
- Shecaira, F.P., *Legal Scholarship as a Source of Law* (Springer 2013).
- Simma, B., *The Charter of the United Nations: A Commentary*, (3rd ed., Oxford University Press, 2012).

- Simmonds, N., *Law as a Moral Idea* (Oxford University Press 2008).
- Sinclair, I., *The Vienna Convention on the Law of Treaties*, (2nd ed. Manchester University Press, 1984).
- Sir Arnold D. McNair, *The Development of International Justice* (New York University Press, 1954).
- Shahabuddeen, Mohamed *Precedent in the World Court* (Cambridge, United Kingdom, Grotius Publications, Cambridge University Press, 1996).
- Slomanson, W.R., *Fundamental Perspectives on International Law* (5th edn, Thomson Wadsworth 2007).
- Sureda, S.A.R., *Investment Treaty Arbitration: Judging under Uncertainty* (Cambridge University Press 2012).
- Sørensen M, *Les sources du droit international: étude sur la jurisprudence de la cour permanente de justice internationale* (E. Munksgaard 1946).
- Sornarajah, M., *Resistance and Change in the International Law on Foreign Investment* (Cambridge University Press 2015).
- Terris, D., Romano, C.P.R., and Swigart, L., *The International Judge: An Introduction to the Men and Women Who Decide the World's Cases* (Oxford University Press 2007).
- Thirlway, H., *The Law and Procedure of the International Court of Justice: Fifty Years of Jurisprudence* (Oxford University Press 2013).
- Thirlway, H., *The Sources of International Law* (Oxford University Press 2014).
- Tomasz, M., *Entwicklung des Völkerrechts: Der Beitrag internationaler Gerichte und Sachverständigengremien* (Berlin/Boston: De Gruyter, 2014).
- Ulrich, F., *Lücken im Völkerrecht: Zu Rechtscharakter, Quellen, Systemzusammenhang, Methodenlehre und Funktionen des Völkerrechts* (Berlin: Duncker & Humblot, 1991).
- Van Damme, I., *Treaty Interpretation by the WTO Appellate Body* (Oxford University Press 2009).
- Van Hoof, G.J.H., *Rethinking the Sources of International Law* (Kluwer 1993).
- Varela, M.D., *Internationalization of Law: Globalization, International Law and Complexity* (Springer 2014).
- Verdross, A., *Die Quellen des universellen Völkerrechts* (Freiburg: Rombach, 1973).
- Villiger, M.E., *Customary International Law and Treaties* (Martinus Nijhoff 1985).
- von Bogdandy, A. and Venzke, I., *In Whose Name? An Investigation of International Courts' Public Authority and Its Democratic Justification* (Oxford University Press 2014).
- Wallace, R.M.M. and Martin-Ortega, O., *International Law* (7th edn, Sweet & Maxwell 2013).
- Watts, A., *The International Law Commission 1949–1998*, vol. I (Oxford University Press 1999).
- Webb, P., *International Judicial Integration and Fragmentation* (Oxford University Press 2013).
- Weeramantry, J.R., *Treaty Interpretation in Investment Arbitration* (Oxford University Press 2012).
- Zdouc, W. and Van den Bossche, P., *The Law and Policy of the World Trade Organization* (Cambridge University Press 2013).

B. Chapters in publications

Allott, P., “Interpretation—An Exact Art,” in Bianchi, A., Peat, D., and Windsor, M. (eds.), *Interpretation in International Law* (Oxford University Press 2015).

Andenas, M. and Bjorge, E., ‘Introduction: From Fragmentation to Convergence’ in Andenas M and Bjorge E (eds.), *A Farewell to Fragmentation: Reassertion and Convergence in International Law* (Cambridge University Press 2015).

Beatson, J., ‘Legal Academics: Forgotten Players or Interlopers?’ in Burrows A, Johnston D, and Zimmermann R (eds.), *Judge and Jurist: Essays in Memory of Lord Rodger* (Oxford University Press 2013).

Beham, M., ‘Die allgemeinen Rechtsgrundsätze Zwischen Gerechtigkeit und Rechtsvergleichung – Eine Rechtshistorische Perspektive’ in August Reinisch and Astrid Reisinger Coracini (eds.), *Zurück zu den Quellen des Völkerrechts: Beiträge zum 44. Österreichischen Völkerrechtstag 2019 in Rust am Neusiedlersee* (Berlin: Peter Lang, 2021).

Besson, S., ‘Theorizing the Sources of International Law’ in Besson S and Tasioulas J (eds.), *The Philosophy of International Law* (Oxford University Press 2010) 163.

Bianchi, A., ‘Reflexive Butterfly Catching: Insights from a Situated Catcher’ in Pauwelyn, J., Wessel, R., and Wouters, J. (eds.), *Informal International Lawmaking* (Oxford University Press 2012) 200.

Brown, C., “Article 59 of the Statute of the International Court of Justice”, in Andreas Zimmermann and others, eds., *The Statute of the International Court of Justice: A Commentary*, 3rd ed. (Oxford, Oxford University Press, 2019).

Brunnée, J., ‘The Sources of International Environmental Law: Interactional Law’ in Besson S and d’Aspremont J (eds.), *The Oxford Handbook on the Sources of International Law* (Oxford University Press 2017) 960.

Buchanan, A., ‘The Legitimacy of International Law’ in Besson S and Tasioulas J (eds.), *The Philosophy of International Law* (Oxford University Press 2010).

Charlesworth, H., ‘Law-Making and Sources’ in Crawford J and Koskeniemi M (eds.), *The Cambridge Companion to International Law* (Cambridge University Press 2012) 187.

Cohen, H.G., ‘Theorizing Precedent in International Law’ in Bianchi A, Peat D, and Windsor M (eds.), *Interpretation in International Law* (Oxford University Press 2015) 268.

Cohen, H.G. and others, ‘Legitimacy and International Courts – A Framework’ in Cohen HG Cohen HG and others (eds.), *Legitimacy and International Courts* (Cambridge University Press 2018).

Cole, T., ‘Non-Binding Documents and Literature’ in Gazzini T and De Brabandere E (eds.), *International Investment Law: The Sources of Rights and Obligations* (Martinus Nijhoff 2012) 289.

Daudet, Y., “Les membres des commissions d’experts”, in SFDI, *Les agents internationaux*, colloque d’Aix-en-provence, Pedone, Paris, 1985, p. 93–107.

Daudet, Y., “À l’occasion d’un cinquantenaire, quelques questions sur la codification du droit international”, *RGDIP*, 1998-3, pp. 593–622.

Döhring, K., ‘Die Rechtsprechung als Rechtsquelle des Völkerrechts’, in Fakultät der Universität Heidelberg (ed), *Richterliche Rechtsfortbildung-Erscheinungsform, Auftrag und Grenzen: Festschrift der Juristischen Fakultät zur 600-Jahr-Feier der Ruprecht-Karls-Universität Heidelberg* (Heidelberg: C.F. Müller, 1986).

Domesticci-Met, M.J., “Le rôle du CICR dans la codification du droit international”, in SFDI, *La codification du droit international*, Pedone, Paris, 1999, p. 207–241.

Dupuy, P. M. “La pratique de l’article 38 du Statut de la Cour internationale de justice dans le cadre des plaidoiries écrites et orales” in *Collection of Essays by Legal Advisers of States*,

Legal Advisers of International Organizations and Practitioners in the Field of International Law (United Nations 1999) Sales No. E/F/S.99. V.13, p. 377.

Elias, T.O., ‘Modern Sources of International Law’ in Friedmann W, Henkin L, and Lissitzyn O (eds.), *Transnational Law in a Changing Society: Essays In Honor of Philip C. Jessup* (Columbia University Press 1972) 34.

Fastenrath, U., ‘Article 4,’ in Simma B and others (eds.), *The Charter of the United Nations: A Commentary* (3rd edn, Oxford University Press 2012) 341.

François, J.P.A., “L’influence de la doctrine des publicistes sur le développement du droit international” in *Mélanges en l’honneur de Gilbert Gidel* (Sirey 1961), 275–281.

Gaja, G., “The Role of Human Rights Treaty Bodies in the Interpretation of Human Rights Conventions” in J Viñuales and others (eds), *The International Legal Order in the XXIst Century: Essays in Honour of Professor Marcelo Gustavo Kohen* (Brill 2023).

Greig, D.W., ‘Sources of International Law’ in Blay S, Piotrowicz R, and Tsamenyi M (eds.), *Public International Law: An Australian Perspective* (2nd edn, Oxford University Press 2005) 52.

Guggenheim, P., ‘Landesrechtliche Begriffe im Völkerrecht, vor Allem im Bereich der Internationalen Organisation’, in Walter Schätzel (ed), *Rechtsfragen der internationalen Organisation: Festschrift für Hans Wehberg zu seinem 70. Geburtstag* (Frankfurt am Main: Klostermann, 1956).

Hernández, G.I., ‘Interpretative Authority and the International Judiciary’ in Bianchi A, Peat D, and Windsor M (eds.), *Interpretation in International Law* (Oxford University Press 2015) 166.

J. d’Aspremont, ‘Non-State Actors from the Perspective of Legal Positivism: The Communitarian Semantics for the Secondary Rules of International Law’ in d’Aspremont J (ed.), *Participants in the International Legal System: Multiple Perspectives on Non-State Actors in International Law* (Routledge 2011) 23.

J. d’Aspremont, ‘Non-State Actors and the Social Practice of International Law’ in Noortmann M, Reinisch A, and Ryngaert C (eds.), *Non-State Actors in International Law* (Hart 2015) 11.

Jain, N., ‘Teachings of Publicists and the Reinvention of the Sources Doctrine in International Criminal Law’ in Kevin Heller, et al. (eds.), *The Oxford Handbook of International Criminal Law* (Oxford University Press 2020) 106.

Janis, M.W., ‘Introduction’ in Janis, M.W. and Evans, C.M. (eds.), *Religion and International Law* (Martinus Nijhoff 1999).

Janig, P., ‘Allgemeine Rechtsgrundsätze des Völkerrechts (General Principles of International Law): Entwörung eines Enigmatischen Konzepts’ in August Reinisch and Astrid Reisinger Coracini (eds), *Zurück zu den Quellen des Völkerrechts: Beiträge zum 44. Österreichischen Völkerrechtstag 2019 in Rust am Neusiedlersee* (Berlin: Peter Lang, 2021).

Jennings, R.Y., ‘The Collegiate Responsibility and Authority of the International Court of Justice’ in Dinstein Y (ed.), *International Law at a Time of Perplexity: Essays in Honour of Shabtai Rosenne* (Martinus Nijhoff 1989) 343.

Jennings, R.Y., ‘International Lawyers and the Progressive Development of International Law’ in Makarczyk J (ed.), *Theory of International Law at the Threshold of the 21st Century: Essays in Honour of Krzysztof Skubiszewski* (Kluwer 1996) 413.

Jennings, R.Y., ‘What is International Law and How Do We Know It When We See It’ in Koskeniemi M (ed.), *Sources of International Law* (Ashgate 2000) 27.

Jennings, R.Y., ‘Reflections on the Subsidiary Means for the Determination of Rules of Law’, in *Studi di diritto internazionale in onore di Gaetano Arangio-Ruiz*, vol. I (Editoriale Scientifica 2004) 319 and Watts A (eds.), *Oppenheim’s International Law*, vol. I (9th edn, Longman 1992).

- Kammerhofer J, 'Lawmaking by Scholars' in Brolmann, C. and Radi, Y. (eds.), *Research Handbook on the Theory and Practice of International Lawmaking* (Edward Elgar 2016) 305.
- Kingsbury, B., 'International Courts: Uneven Judicialisation In Global Order' in Crawford J and Koskeniemi M (eds.), *The Cambridge Companion to International Law* (Cambridge University Press 2012) 203, 223.
- Koskeniemi, M., "Introduction," in Koskeniemi, M. (ed.), *Sources of International Law* (Ashgate 2000).
- Koutroulis, V., 'The Prohibition of the Use of Force in Arbitrations and Fact-Finding Reports' in Weller M (ed.), *The Oxford Handbook of the Use of Force in International Law* (Oxford University Press 2015) 605.
- La Forest, G.V., 'Who is Listening to Whom? The Discourse Between the Canadian Judiciary and Academics' in Markesinis BS (ed.), *Law Making, Law Finding and Law Shaping: The Diverse Influences* (Oxford University Press 1997) 69.
- Lachs, M., "Le rôle des organisations internationales dans la formation du droit international", in *Mélanges offerts à Henri Rolin*, Pedone, 1964, p. 157–170.
- Lefkowitz, D., 'The Sources of International Law: Some Philosophical Reflections' in Besson S and Tasioulas J (eds.), *The Philosophy of International Law* (Oxford University Press 2010) 187.
- Lorca, A.B., 'Eurocentrism in the History of International Law' in Fassbender B and Peters A (eds.), *The Oxford Handbook of the History of International Law* (Oxford University Press 2012) 1034.
- Mazia, N., "Éléments de réflexion à la lumière de la jurisprudence de la chambre criminelle de la Cour de cassation", in SFDI, *Les pratiques comparées du droit international en France et en Allemagne*, Pedone, 2012, p. 307–332.
- Mendelson, M., "The International Court of Justice and the Sources of International Law," in Lowe, V. and Fitzmaurice, M. (eds.), *Fifty years of the International Court of Justice: essays in honour of Sir Robert Jennings* (Cambridge University Press 1996).
- Mosler, H., 'Bedeutungswandel in der Anwendung "der von den zivilisierten Staaten anerkannten allgemeinen Rechtsgrundsätze"', in Manuel Medina Ortega and others (eds.), *Pensamiento Jurídico y Sociedad Internacionallibro-Homenaje al Profesor Antonio Truyol Serra* (Madrid: Centro de Estudios Constitucionales, Universidad Complutense de Madrid, 1986).
- Mosler, H., 'Rechtsvergleichung vor völkerrechtlichen Gerichten', in René Marcic and others (eds.), *Internationale Festschrift für Alfred Verdross: zum 80. Geburtstag* (München/Salzburg: Fink, 1971).
- Neumann, T. and Simma, B., 'Transparency in International Adjudication' in Peters A and Bianchi A (eds.), *Transparency in International Law* (Cambridge University Press 2013) 436.
- Onuf, N.G., 'Global Law-Making and Legal Thought' in Onuf NG (ed.), *Law-Making in the Global Community* (Carolina Academic Press 1982) 1.
- Palchetti, P., 'Article 27', in Zimmermann A and others (eds.), *The Statute of the International Court of Justice: A Commentary* (2nd edn, Oxford University Press 2012) 502.
- Paulsson, J., 'Scholarship as Law' in Arsanjani MH and others (eds.), *Looking to the Future: Essays in Honor of Michael Reisman* (Martinus Nijhoff 2011) 183.
- Pauwelyn, J., 'Is It International Law or Not, and Does It Even Matter?' in Pauwelyn J, Wessel R, and Wouters J (eds.), *Informal International Lawmaking* (Oxford University Press 2012) 125.
- Pauwelyn, J. and Pavlakos, G., 'Principled Monism and the Normative Conception of Coercion under International Law' in Evans MD and Koutrakos P (eds.), *Beyond the Established Orders: Policy Interconnections Between the EU and the Rest of the World* (Hart 2011) 317.

- Pellet, A., “Article 38 of the Statute of the International Court of Justice” in Zimmermann, A. et al. (eds.), *The Statute of the International Court of Justice: A Commentary*, (3rd ed. Oxford University Press, 2019).
- Pellet, A., “Article 21,” in Cassese et al. (eds), *Cassese’s International Criminal Law*, (3rd edn., Oxford University Press, 2009).
- Acquaviva, Guido and Fausto Pocar, “*Stare decisis*”, in Anne Peters, ed., *Max Planck Encyclopedia of Public International Law* (Oxford, Oxford University Press, 2023).
- Ridi, N., “Rule of Precedent and Rules on Precedent,” in *De Brabandere E, editor. International Procedure in Interstate Litigation and Arbitration: A Comparative Approach*, p. 354–400. (Cambridge: Cambridge University Press 2021).
- Ruffert, M., ‘Zwischen Quelle und Gericht: Funktion der Wissenschaft bei der Identifikation des Völkerrechts’, in Nina Dethloff, Georg Nolte, and August Reinisch (eds), *Freiheit und Regulierung der Cyberwelt – Rechtsidentifikation zwischen Quelle und Gericht, Berichte der Deutschen Gesellschaft für Internationales Recht, Band 47* (Heidelberg: C.F. Müller, 2016).
- Schachter, O., ‘Law-Making in the United Nations’ in Jasentuliyana N (ed.), *Perspectives on International Law* (Kluwer 1995) 119.
- Schwebel, S.M., “The Inter-Active Influence of the International Law Court of Justice and the International Law Commission,” in Barea, C.A.A., and others (eds.), *Liber Amicorum in Memoriam of Judge José María Ruda* (Kluwer 2000) 479.
- Seidl-Hohenveldern, I., ‘Die Rolle der Rechtsvergleichung im Völkerrecht’ in Friedrich August von der Heydte and Ignaz Seidl-Hohenveldern (eds), *Völkerrecht und Rechtliches Weltbild. Festschrift für Alfred Verdross* (Vienna: Springer, 1960).
- Seidl-Hohenveldern, I., ‘Internationale Präjudizentscheidungen’ in René Marcic and others (ed), *Internationale Festschrift für Alfred Verdross: zum 80. Geburtstag* (München/Salzburg: Fink, 1971).
- Shaw M.N., “A Practical Look at the International Court of Justice,” in Evans, M.D., (ed.), *Remedies in International Law: The Institutional Dilemma* (Hart Publishing 1998) 11.
- Swigart, L. and Terris, D., ‘Who are International Judges’ in Romano CPR, Alter KJ, and Shany Y (eds.), *The Oxford Handbook of International Adjudication* (Oxford University Press 2015) 619.
- Smyth, R., ‘Judicial Robes or Academic Gowns? Citations to Secondary Authority and Legal Method in the New Zealand Court of Appeal’ in Bigwood R (ed.), *Legal Method in New Zealand* (Butterworths 2001) 101.
- Sourang, M., ‘Jurisprudence and Teachings’ in Bedjaoui M (ed.), *International Law: Achievements and Prospects* (Martinus Nijhoff/UNESCO 1991) 283.
- Stanton, K., ‘Use of Scholarship by the House of Lords in Tort Cases’ in Lee J (ed.), *From House of Lords to Supreme Court: Judges, Jurists and the Process of Judging* (Hart 2011) 201.
- von Bogdandy, A., and Venzke, I., “The spell of precedents: lawmaking by international courts and tribunals”, in Cesare P.R. Romano, Karen J. Alter and Yuval Shany, eds., *The Oxford Handbook of International Adjudication* (Oxford, Oxford University Press, 2014), pp. 503–522.
- Twining, W. and others, ‘The Role of Academics in the Legal System’ in Tushnet M and Cane P (eds.), *The Oxford Handbook of Legal Studies* (Oxford University Press 2005) 920.
- Tzanakopoulos, A., ‘Judicial Dialogue as a Means of Interpretation’ in Aust HP and Nolte G (eds.), *The Interpretation of International Law by Domestic Courts* (Oxford University Press 2016) 72.
- Van den Bossche, P., ‘From Afterthought to Centrepiece: The WTO Appellate Body and Its Rise to Prominence in the World Trading System’ in Sacerdoti G, Yanovich A, and Bohanes J (eds.), *The WTO at Ten: The Contribution of the Dispute Settlement System* (Cambridge University Press 2006) 289.

Verdroß, A., ‘Die Allgemeinen Rechtsgrundsätze als Völkerrechtsquelle: Zugleich ein Beitrag zum Problem der Grundnorm des positiven Völkerrechts’ in id (ed), *Gesellschaft, Staat und Recht: Untersuchungen zur Reinen Rechtslehre. Festschrift Hans Kelsen zum 50. Geburtstag gewidmet* (Vienna: Springer 1931).

Virally, M., “Les actes unilatéraux des organisations internationales” in Mohamed Bedjaoui (ed.), *Droit international : Bilan et perspective*, Pedone, 1991, p. 253–276.

Virally, M., ‘The Sources of International Law’ in Sørensen M (ed.), *Manual of Public International Law* (St. Martin’s Press 1968) 116.

Voeten, E., ‘International Judicial Behavior’ in Romano CPR, Alter KJ, and Avgerou C (eds.), *The Oxford Handbook of International Adjudication* (Oxford University Press 2013) 550.

Von Bernstorff, J., ‘The Relationship Between Theory and Practice in International Law’ in d’Aspremont J and others (eds.), *International Law as a Profession* (Cambridge University Press 2017) 222.

Waibel, M., ‘Interpretive Communities in International Law’ in Bianchi A, Peat D, and Windsor M (eds.), *Interpretation in International Law* (Oxford University Press 2015) 147.

Weeramantry, C.G., ‘Cultural and Ideological Pluralism in Public International Law’ in Ando N, McWhinney E, and Wolfrum R (eds.), *Liber Amicorum Judge Shigeru Oda*, vol. II (Kluwer 2002) 1491.

Zidar, A., ‘Interpretation and the International Legal Profession: Between Duty and Aspiration’ in Bianchi A, Peat D, and Windsor M (eds.), *Interpretation in International Law* (Oxford University Press 2015) 133.

C. Articles in journals

Aceves, W.J., ‘Symposium Introduction; Scholarship as Evidence of International Law’ (2003) 26 *Loyola of Los Angeles International and Comparative Law Review* 1.

Andenas, M. and Leiss, J.R., “The systemic relevance of ‘judicial decisions’ in Article 38 of the ICJ Statute”, *Heidelberg Journal of International Law*, vol. 77, pp. 907–972.

Akehurst, M., ‘The Hierarchy of the Sources of International Law’ (1975) 47 *British Yearbook of International Law* 273.

Amann, D.M., ‘Group Mentality, Expressivism, and Genocide’ (2002) 2 *International Criminal Law Review* 93.

Ambro, T.L., ‘Citing Legal Articles in Judicial Opinions: A Sympathetic Antipathy’ (2006) 80 *American Bankruptcy Law Journal* 547.

Anand, R.P., ‘The International Court of Justice and the Development of International Law’ (1965) 7 *International Studies* 228.

Andenas, M. and J. R. Leiss, “‘The Systemic Relevance of ‘Judicial Decisions’ in Article 38 of the ICJ Statute,” 77 *Heidelberg J. Int’l Law* 907 (2008).

Arnardóttir, G. S., “Res Interpretata, Erga Omnes Effect, and the Margin of Appreciation,” 28(3) *EJIL* 819 (2017).

Bale, G., ‘W.R. Lederman and the Citation of Legal Periodicals by the Supreme. Court of Canada’ (1994) 19 *Queen’s Law Journal* 36.

Basedow, J., ‘Hundert Jahre Rechtsvergleichung: Von Wissenschaftlicher Erkenntnisquelle Zur Obligatorischen Methode Der Rechtsanwendung’, *JuristenZeitung*, vol. 71 (2016), pp. 269–80.

Baxter, R. “The First Modern Codification of the Law of War: Francis Lieber and General Orders No. 100” *IRRC*, vol. 25 (1964), p. 25.

Becker, M.A. and Rose C., ‘Investigating the Value of Site Visits in Inter-State Arbitration and Adjudication’ (2017) 8 *Journal of International Dispute Settlement* 219.

- Beckett, W.E., “Les questions d’intérêt général au point de vue juridique dans la jurisprudence de la Cour permanente de justice internationale”, *Collected Courses of The Hague Academy of International Law*, vol. 39 (1932).
- Bernhardt, R., ‘Eigenheiten und Ziele der Rechtsvergleichung im Öffentlichen Recht’, *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht*, vol. 24 (1964), pp. 431–452.
- Bernhardt, R., ‘Ungeschriebenes Völkerrecht’, *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht*, vol. 36 (1976), pp. 50–76.
- Bernstein, N.N., ‘The Supreme Court and Secondary Source Material: 1965 Term’ (1968) 57 *Georgetown Law Journal* 55.
- Besson, S., “The Erga Omnes Effect of Judgments of the European Court of Human Rights: What’s in a Name?” in *La Cour européenne des droits de l’homme après le Protocole 14 / The European Court of Human Rights after Protocol 14*, ed. by 22, Schulthess, 2011.
- Black, V. and Richter, N., ‘Did She Mention My Name?: Citation of Academic Authority by the Supreme Court of Canada, 1985–1990’ (1993) 16 *Dalhousie Law Journal* 377.
- Bohlander, M., ‘The Influence of Academic Research on the Jurisprudence of the International Criminal Tribunal for the Former Yugoslavia – A First Overview’ (2003) 3 *The Global Community Yearbook of International Law & Jurisprudence* 195.
- Borda, A.Z., “A formal approach to Article 38(1)(d) of the ICJ Statute from the perspective of the international criminal courts and tribunals,” (2013) 24 *European Journal of International Law* 649.
- Bordin, F.L., “Reflections of Customary International Law: The Authority of Codification Conventions and ILC Draft Articles in International Law,” (2014) 63 *International and Comparative Law Quarterly* 535.
- Bos, M., ‘The Recognised Manifestations of International Law: A New Theory of “Sources”’ (1977) 20 *German Yearbook International Law* 9.
- Bothe, M., ‘Die Bedeutung der Rechtsvergleichung in der Praxis internationaler Gerichte’, *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht*, vol. 36 (1976), pp. 280–300.
- Braun, A., ‘Burying the Living? The Citation of Legal Writings in English Courts’ (2010) 58 *American Journal of Comparative Law* 27.
- Butler, W.E., ‘Regional and Sectional Diversities in International Law’ in Cheng B (ed.), *International Law: Teaching and Practice* (Stevens and Sons 1982) 45 Cameron J and Gray KR, ‘Principles of International Law in the WTO Dispute Settlement Body’ (2001) 50 *International and Comparative Law Quarterly* 248.
- Caron, D.D., ‘The ILC Articles on State Responsibility: The Paradoxical Relationship between Form and Authority’ (2002) 96 *American Journal of International Law* 857.
- Carty, A., *The Decay of International Law? A Reappraisal of the Limits of Legal Imagination in International Affairs* (Manchester University Press 1986).
- Cassese, A., “The Nicaragua and Tadic Tests Revisited in Light of the ICJ Judgment on Genocide in Bosnia,” 4 *EJIL* 649 (2007).
- Charney, J., “Is International Law Threatened by Multiple Tribunals?”, 271 *Recueil des Cours*, *Collected Courses of the Hague Academy of International Law*, 101 (1998).
- Chinkin, C. and Wright, S., ‘Feminist Approaches to International Law’ (1991) 85 *American Journal of International Law* 613.
- Congyan, Cai. “International Law in Chinese Courts during the Rise of China.” (2016) 110 *American Journal of International Law* 2 269.
- Corbett, P.E., ‘The Consent of States and the Sources of the Law of Nations’ (1925) 6 *British Yearbook of International Law* 20.

- Côté, J.E., 'Far-Cited' (2001) 39 Alberta Law Review 640.
- Crespi, G.S., 'The Influence of a Decade of Statutory Interpretation Scholarship on Judicial Rulings: An Empirical Analysis' (2000) 53 SMU Law Review 9.
- Crespi, G.S., 'The Influence of Two Decades of Contract Law Scholarship on Judicial Rulings: An Empirical Analysis' (2004) 57 SMU Law Review 105.
- Currie, J.H., Public International Law (2nd edn, Irwin Law 2008) 'What Does It Mean to be an Internationalist?' (1989) 10 Michigan Journal of International Law 102.
- Daniels, W., "'Far Beyond the Law Reports': Secondary Source Citations in the United States Supreme Court Opinions October Terms 1900, 1940, and 1978' (1983) 76 Law Library Journal 1.
- d'Aspremont, J., 'The Idea of "Rules" in the Sources of International Law' (2014) 84 British Yearbook of International Law 103.
- d'Aspremont, J. 'Wording in International Law' (2012) 25 Leiden Journal of International Law 575.
- de Brabandere, E., "The use of precedent and external case law by the International Court of Justice and the International Tribunal for the Law of the Sea", *Law and Practice of International Courts and Tribunals*, vol. 15 (1) (2016).
- de la Muela, A.M., "Mutación de jueces y continuidad jurisprudencial en el Tribunal Internacional de Justicia", *Revista Española de Derecho Internacional*, vol. 15, No. 1-2 (1962), pp. 11-34.
- de Aréchaga, E.J., 'International Law in the Past Third of a Century' (1978) 159 Recueil des cours 1.
- De Brabandere, E., 'Rationale of Amicus Curiae Interventions in International Economic and Investment Disputes' (2011) 12 Chicago Journal of International Law 85.
- Dickinson, E.D., 'Changing Concepts and the Doctrine of Incorporation' (1932) 26 American Journal of International Law 239.
- Dugard, J., 'How Effective is the International Law Commission in the Development of International Law? A Critique of the ILC on the Occasion of Its Fiftieth Anniversary' (1998) 23 South African Yearbook of International Law 34.
- Dupuy, P.M., 'The Danger of Fragmentation or Unification of the International Legal System and the International Court of Justice' (1998) 31 NYU Journal of International Law and Politics 791.
- Dzehtsiarou, K. and N. Ridi, "The Use of Scholarship by the European Court of Human Rights," 73 Int'l and Comparative Law Quarterly 707 (2024).
- Earlsferry, L.R.O., 'Judges and Academics in the United Kingdom' (2010) 29 University of Queensland Law Journal 29.
- Constantin Économidès, "Les actes institutionnels internationaux et les sources du droit international", *AFDI*, 1988, p. 131-145.
- Edwards, H.T. and Livermore, M.A., 'Pitfalls of Empirical Studies That Attempt to Understand the Factors Affecting Appellate Decisionmaking' (2009) 58 Duke Law Journal 1895.
- Eisenberg, T. and Wells, M.T., 'Ranking and Explaining the Scholarly Impact of Law Schools' (1998) 27 Journal of Legal Studies 373.
- Emberland, M., "The Committee on the Rights of the Child's Admissibility Decisions in the 'Syrian Camps Cases' against France: A Critique from the Viewpoint of Treaty Interpretation" 23 Human Rights Law Review 1 (2023).
- Falk, R.A., 'On the Quasi-Legislative Competence of the General Assembly' (1966) 60 American Journal of International Law 782.

- Fauchald, O.K., 'The Legal Reasoning of ICSID Tribunals – An Empirical Analysis' (2008) 19 *European Journal of International Law* 301.
- Feenan, D., 'Editorial Introduction: Women and Judging' (2009) 17 *Feminist Legal Studies* 1.
- Findlay, M., 'The Use of Domestic Sources as a Basis for International Criminal Law Principles' (2002) 2 *The Global Community Yearbook of International Law and Jurisprudence* 3.
- Fitzmaurice, G., 'The General Principles of International Law Considered from the Standpoint of the Rule of Law' (1957) 92 *Recueil des cours* 1.
- Fitzmaurice, G., 'The Contribution of the Institute of International Law to the Development of International Law' (1973) 138 *Recueil des cours* 203.
- Fitzmaurice, G., 'Some Problems Regarding the Formal Sources of International Law' in Koskeniemi M (ed.), *Sources of International Law* (Ashgate 2000) 57.
- Franck, S.D., 'Empirically Evaluating Claims about Investment Treaty Arbitration' (2007) 86 *North Carolina Law Review* 1.
- Franck, S.D., 'Development and Outcomes in Investment Treaty Arbitration' (2009) 50 *Harvard International Law Journal* 438.
- Franck, S.D., 'The Diversity Challenge: Exploring the "Invisible College" of International Arbitration' (2015) 53 *Columbia Journal of Transnational Law* 429.
- Friedman, L. and others, 'State Supreme Courts: A Century of Style and Citation' (1981) 33 *Stanford Law Review* 773.
- Fuentes, C.I., "The imperfect paradigm: Article 38 of the Statute of the International Court of Justice", in Carlos Iván Fuentes, *Normative Plurality in International Law: A Theory of the Determination of Applicable Rules*, 1st ed., *Ius Gentium: Comparative Perspectives on Law and Justice*, vol. 57 (Springer, 2016).
- Gärditz, K.F., 'Ungeschriebenes Völkerrecht durch Systembildung', *Archiv des Völkerrechts*, vol. 45 (2007), pp. 1–34.
- Goff, L., 'The Search for Principle' (1983) 67 *Proceedings of the British Academy* 169
- Goldsmith J, 'Remarks by Jack Goldsmith' (2000) 94 *ASIL Proceedings* 318.
- Grossman, N., 'Achieving Sex-Representative International Court Benches' (2016) 110 *American Journal of International Law* 82.
- Grossman, N., 'Shattering the Glass Ceiling in International Adjudication' (2016) 56 *Virginia Journal of International Law* 339.
- Guillaume, G., "The Use of Precedent by International Judges and Arbitrators" 2 *Journal of International Dispute Settlement* 5 (2011).
- Hailbronner, K., 'Ziele und Methoden völkerrechtlich relevanter Rechtsvergleichung', *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht*, vol. 36 (1976), pp. 190–226.
- Harner, M. and Cantone, J.A., 'Is Legal Scholarship Out of Touch? An Empirical Analysis of the Use of Scholarship in Business Law Cases' (2011) 19 *University of Miami Business Law Review* 1.
- Hathaway, J. C., "The Michigan Guidelines on the Internal Protection Alternative" 21(1) *Michigan Journal of International Law* 131 (1991).
- Helmersen, S.T., 'The Use of Scholarship by the WTO Appellate Body' (2016) 7 *Goettingen Journal of International Law* 309.
- Higgins, R., 'A Babel of Judicial Voices? Ruminations from the Bench' (2006) 55 *International and Comparative Law Quarterly* 791.
- Hirsch, J.E., "An Index to Quantify an Individual's Scientific Research Output," (2005) 102 *Proc. Nat'l Acad. Sci. U.S.A.* 46.

- Hume, R.J., 'Strategic-Instrument Theory and the Use of Non-Authoritative Sources by Federal Judges: Explaining References to Law Review Articles' (2010) 31 *Justice System Journal* 291.
- Hunter, R., 'More than Just a Different Face? Judicial Diversity and Decision-Making' (2015) 68 *Current Legal Problems* 119.
- Issaeva, M., 'Quarter of a Century on from the Soviet Era: Reflections on Russian Doctrinal Responses to the Annexation of Crimea' (2017) 5 *Russian Law Journal* 86.
- Jalloh, C.C., 'The International Law Commission's Seventy-Fourth Session: General Principles of Law and Other Topics' (2023) 118 *American Journal of International Law* 1 120.
- Jalloh, C.C., 'The International Law Commission's Seventy-Fifth Session: Immunity of State Officials from Foreign Criminal Jurisdiction' 119 (2025) *American Journal of International Law* 1 107.
- Jennings, R.Y., 'The Progressive Development of International Law and Its Codification' (1947) 24 *British Yearbook of International Law* 301.
- Jennings, R.Y., "General course on principles of international law," (1967) 19 *Collected Courses of The Hague Academy of International Law* 341.
- Jennings, R.Y., 'The Judiciary, International and National, and the Development of International Law' (1996) 45 *International and Comparative Law Quarterly* 1.
- Kadelbach, S. and Kleinlein, T., 'Überstaatliches Verfassungsrecht. Zur Konstitutionalisierung im Völkerrecht', *Archiv des Völkerrechts*, vol. 44 (2006), pp. 235–266.
- Kamto, M., 'L'interprétation des actes juridiques en droit international public, (2006) 312 *Recueil des Cours* 85.
- Kaye, J.S., 'One Judge's View of Academic Law Review Writing' (1989) 39 *Journal of Legal Education* 313.
- Keene, A., (ed.), 'Outcome Paper for the Seminar on the International Court of Justice at 70' (2016) 7 *Journal of International Dispute Settlement* 238.
- Keith, K., 'Challenges to the Independence of the International Judiciary: Reflections on the International Court of Justice' (2017) 30 *Leiden Journal of International Law* 137.
- Kennedy, D., 'The Disciplines of International Law and Policy' (2008) 12 *Leiden Journal of International Law* 9.
- Kenny, J.T., 'Manley O. Hudson and the Harvard Research in International Law 1927-1940' (1977) 11 *The International Lawyer* 319.
- Kent, A. and Trinidad, J., 'International Law Scholars as Amici Curiae: An Emerging Dialogue (of the Deaf)?' (2016) 29 *Leiden Journal of International Law* 1081.
- King, K.L. and Greening, M., 'Gender Justice or Just Gender? The Role of Gender in Sexual Assault Decisions at the International Criminal Tribunal for the Former Yugoslavia' (2007) 88 *Social Science Quarterly* 1049.
- Kingsbury, B., "Foreword: Is the Proliferation of International Courts and Tribunals a Systemic Problem?" 31 *N.Y.U. J. INT'L L. & POL* 679 (1998).
- Koskenniemi, M., 'Histories of International Law: Dealing with Eurocentrism' (2011) 19 *Rechtsgeschichte* 152.
- Kumar, S.P. and Rose, C., 'A Study of Lawyers Appearing before the International Court of Justice, 1999–2012' (2014) 25 *European Journal of International Law* 893.
- Lachs, M., 'Teaching and Teachings of International Law' (1976) 151 *Recueil des cours* 161.
- Langford, M., Behn, D., and Lie, R.H., 'The Revolving Door in International Investment Arbitration' (2017) 20 *Journal of International Economic Law* 301.

- Lauterpacht, H., "The Development of International Law by the International Court," (1958) 52 *American Journal of International Law* 1.
- Leathley, C., "An *Institutional* Hierarchy to Combat the Fragmentation of International Law: Has the ILC Missed an Opportunity?", *International Law and Politics*, Vol. 40:259.
- Lupu, Y., and Voeten, E., 'Precedent in International Courts: A Network Analysis of Case Citations by the European Court of Human Rights' (2011) 42 *British Journal of Political Science* 413.
- Madsen, M.R., 'Who Rules the World? The Educational Capital of the International Judiciary' (2020) 3 *University of California Journal of International, Transnational, and Comparative Law* 97.
- Manley, S., 'Citation Practices of the International Criminal Court: The Situation in Darfur, Sudan' (2017) 30 *Leiden Journal of International Law* 1003.
- Manley, H., "The Use of Precedent in International Adjudication," (1973) 15 *International and Comparative Law Quarterly* 88.
- Mann, R.A., 'The Use of Legal Periodicals by Courts and Journals' (1986) 26 *Jurimetrics Journal* 400.
- Marceaug, G., 'WTO Dispute Settlement and Human Rights' (2002) 13 *European Journal of International Law* 753.
- McClintock, M.D., 'The Declining Use of Legal Scholarship by Courts: An Empirical Study' (1998) 51 *Oklahoma Law Review* 659.
- Meron, T., "Francis Lieber's Code and Principles of Humanity" 36 *Colum. J. of Transnat'l L.* 269 (1998).
- Merritt, D.J. and Putnam, M., 'Judges and Scholars: Do Courts and Scholarly Journals Cite the Same Law Review Articles' (1996) 71 *Chicago-Kent Law Review* 871.
- Merryman, J.H., "The Authority of Authority: What the California Supreme Court Cited in 1950," (1954) 6 *Stanford Law Review* 613.
- Merryman, J.H., 'Toward a Theory of Citations: An Empirical Study of the Citation Practice of the California Supreme Court in 1950, 1960, and 1970' (1977) 50 *Southern California Law Review* 381.
- Meessen, K.M., 'Zur Theorie Allgemeiner Rechtsgrundsätze des Internationalen Rechts: Der Nachweis Allgemeiner Rechtsgrundsätze des Europäischen Gemeinschaftsrechts', *Jahrbuch für Internationales Recht*, vol. 17 (1974), pp. 283-306.
- Mortenson, S., "The Travaux of Travaux," 107 *AJIL* 780 (2013).
- Münch, F., 'Die Völkerrechtslehre als Völkerrechtsquelle', *Die Friedens-Warte*, vol. 56 (1961), pp. 349-356.
- Newland, C.A., 'The Supreme Court and Legal Writing: Learned Journals as Vehicles of an Anti-Antitrust Lobby?' (1959) 48 *Georgetown Law Journal* 105.
- Newton, B.E., 'Law Review Scholarship in the Eyes of the Twenty-First-Century Supreme Court Justices: An Empirical Analysis' (2012) 4 *Drexel Law Review* 399.
- Nouwen, S.M.H., "'As You Set out for Ithaka': Practical, Epistemological, Ethical, and Existential Questions about Socio-Legal Empirical Research in Conflict' (2014) 27 *Leiden Journal of International Law* 227.
- Nouwen, S., Tams, C., d'Aspremont, J., and Klabbers, J., 'EJIL Editors' Choice of Books' (2015) 26 *European Journal of International Law* 1027.
- Nouwen, S.M.H., "As You Set out for Ithaka: Practical, Epistemological, Ethical, and Existential Questions about Socio-Legal Empirical Research in Conflict," (2014) 27 *Leiden Journal of International Law* 227.
- Onuf, N.G., 'The Science of International Law: Its Task and Method' (1908) 2 *American Journal of International Law* 313.

- Oraison, A., “Réflexion sur ‘La doctrine des publicistes les plus qualifiés des différentes nations’ - (Flux et reflux relatifs des forces doctrinales académiques et finalisées”, *Revue belge de droit international*, 1991/2, pp. 507–580.
- Oraison, A., “L’influence des forces doctrinales académiques sur les prononcés de la C.P.J.I. et de la C.I.J.”, *Revue belge de droit international*, 1999/1, p. 205–236.
- Oraison, A., “L’Influence des Forces Doctrinales Académiques sur les Prononcés de la C.P.J.I. et de la C.I.J.”, (1999) 32 *Revue Belge de Droit International* 205.
- Pauwelyn, J., ‘How to Win a World Trade Organization Dispute Based on Non-World Trade Organization Law?: Questions of Jurisdiction and Merits’ (2003) 37 *Journal of World Trade* 997.
- Pauwelyn, J., ‘The Rule of Law without Lawyers? Why Investment Arbitrators are from Mars, Trade Adjudicators from Venus’ (2015) 109 *American Journal of International Law* 761.
- Peil, M., “Scholarly Writings as a Source of Law: A Survey of the Use of Doctrine by the International Court of Justice,” (2012) 1 *Cambridge Journal of International and Comparative Law* 136.
- Petherbridge, P.L. and Schwartz, D.L., ‘An Empirical Assessment of the Supreme Court’s Use of Legal Scholarship’ (2012) 106 *Northwestern University Law Review* 995.
- Preuss, L., ‘Survey of International Law in Relation to the Work of Codification of The International Law Commission. Memorandum Submitted by the Secretary General. (Doc. A/CN.4/1/Rev.I.)’ (1949) 43 *American Journal of International Law* 829.
- Puig, S., ‘Social Capital in the Arbitration Market’ (2014) 25 *European Journal of International Law* 387.
- Qureshi, A.H., ‘Editorial Control and the Development of International Law’ (1990) 61 *Political Quarterly* 328.
- Richardson, F.K., ‘Law Reviews and the Courts’ (1983) 5 *Whittier Law Review* 385
Ripple K., ‘The Judge and the Academic Community’ (1989) 50 *Ohio State Law Journal* 1237.
- Roberts, A.E., ‘Traditional and Modern Approaches to Customary International Law: A Reconciliation’ (2001) 95 *American Journal of International Law* 757.
- Roberts, A.E. and Sivakumaran, S., ‘Lawmaking by Nonstate Actors: Engaging Armed Groups in the Creation of International Humanitarian Law’ (2012) 37 *Yale Journal of International Law* 107.
- Roberts, A., “Comparative international law? The role of national courts in creating and enforcing international law”, *International and Comparative Law Quarterly*, vol. 60 (2011).
- Rohrbacher, B., ‘Decline: Twenty-Five Years of Student Scholarship in Judicial Opinions’ (2006) 80 *American Bankruptcy Law Journal* 553.
- Romano, C. P. R., “The Proliferation of international judicial bodies: The Pieces of the Puzzle”, 31 *NYUJ Int’L & Pol*, 170.
- Rosenstock, R., ‘The ILC and State Responsibility’ (2002) 96 *American Journal of International Law* 792.
- Rubin, E., ‘Seduction, Integration and Conceptual Frameworks: The Influence of Legal Scholarship on Judges’ (2010) 29 *University of Queensland Law Journal* 101.
- Sacasa, M.H., “A 100 años del Comité Jurídico Interamericano”, *Revista de Derecho*, no. 4, 2003, p. 65–83.
- Salas Kantor, B. and Achurra, M.E.Z. “The principle of *res judicata* before the International Court of Justice: in the midst of comradeship and divorce between international tribunals”, *Journal of International Dispute Settlement*, vol. 10 (2019).
- Sands, P., McLachlan, C., and Mackenzie, R., ‘The Burgh House Principles on the Independence of the International Judiciary’ (2005) 4 *Law and Practice of International Courts and Tribunals* 247.

- Schachter, O., 'The Invisible College of International Lawyers' (1977) 72 *Northwestern University Law Review* 217.
- Schwartz, D.L. and Petherbridge, L., 'The Use of Legal Scholarship by the Federal Courts of Appeals: An Empirical Study' (2011) 96 *Cornell Law Review* 1345.
- Schwarzenberger, G., "The Inductive Approach to International Law," (1956) 60 *American Journal of International Law* 50.
- Schwarzenberger, G., "The Province of the Doctrine of International Law," (1956) 9 *Current Legal Problems* 235.
- Sender, O., "The Importance of Being Earnest: Purpose and Method in Scholarship on International Law" *Case W. Res. J. Int'l L.*, vol. 53 (2022).
- Shapiro, F.R., and Pearse, M., 'The Most-Cited Law Review Articles of All Time' (2012) 110 *Michigan Law Review* 1483.
- Shikhelman, V., 'Diversity and Decision-Making in International Judicial Institutions' (2018) 36 *Berkeley Journal of International Law* 60.
- Simma, B., 'Remarks by Bruno Simma' (2000) 94 *American Society of International Law Proceedings* 319.
- Sirico Jr, L.J., and Margulies, J.B., "The Citing of Law Reviews by the Supreme Court: An Empirical Study," (1986) 34 *UCLA Law Review* 131.
- Sirico Jr., L.J. and Drew, B.A., 'The Citing of Law Reviews by the United States Courts of Appeals: An Empirical Analysis' (1991) 45 *University of Miami Law Review* 1051.
- Sivakumaran, S., 'Beyond States and Non-State Actors: The Role of State-Empowered Entities in the Making and Shaping of International Law' (2017) 55 *Columbia Journal of Transnational Law* 343.
- Sivakumaran, S., 'The Influence of Teachings of Publicists on the Development of International Law' (2017) 66 *International and Comparative Law Quarterly* 1.
- Sloan, B., 'What Are We Writing For? Student Works As Authority and Their Citation by the Federal Bench, 1986–1990' (1992) 62 *George Washington Law Review* 221.
- Smyth, R., 'Citing Outside the Law Reports: Citations of Secondary Authorities on the Australian State Supreme Courts Over the Twentieth Century' (2009) 18 *Griffith Law Review* 692.
- Smyth, R., 'Other Than "Accepted" Sources of Law?: A Quantitative Study of Secondary Source Citations in the High Court' (1999) 22 *UNSW Law Journal* 19.
- Stahn, C. and De Brabandere, E., 'The Future of International Legal Scholarship: Some Thoughts on "Practice", "Growth" and "Dissemination"' (2014) 27 *Leiden Journal of International Law* 1.
- Stappert, N., 'A New Influence of Legal Scholars? The Use of Academic Writings at International Criminal Courts and Tribunals' (2018) 31 *Leiden Journal of International Law* 963.
- Strebel, H., 'Quellen des Völkerrechts als Rechtsordnung', *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht*, vol. 36 (1976), pp. 301-346.
- Talmon, S., 'Determining Customary International Law: The ICJ's Methodology Between Induction, Deduction and Assertion' (2015) 26 *European Journal of International Law* 417.
- Quiroga, T.G. and Godio, L.M., "La doctrina como fuente auxiliar y su utilización en el Tribunal Internacional del Derecho del Mar", in Claudia G. Gasol Varela and others, eds., *Aspectos Actuales de las Fuentes del Derecho Internacional* (Buenos Aires, Consejo Argentino para las Relaciones Internacionales, 2022), pp. 123–153.
- Tesón, F.R., 'Feminism and International Law: A Reply' (1993) 33 *Virginia Journal of International Law* 647.

- Thirlway, H., 'The Drafting of ICJ Decisions: Some Personal Recollections and Observations' (2006) 5 Chinese Journal of International Law 15.
- Thouvenin, J.M., "On *different res: res judicata, res interpretata, res praescripta* (or *indicata*), *res deliberata*", *Japanese Yearbook of International Law*, vol. 65, p. 270–300 (2022).
- Triggs, G., 'The Public International Lawyer and the Practice of International Law' (2005) 24 Australian Year Book of International Law 201.
- Tunkin, G.I., *Theory of International Law* (George Allen and Unwin 1974) Tushnet M., 'Academics as Law Makers' (2010) 29 University of Queensland Law Journal 19.
- Ulfstein, G., 'International Courts and Judges: Independence, Interaction, and Legitimacy' (2014) 46 NYU Journal of International Law and Politics 849.
- Venzke, I., 'Semantic Authority, Legal Change and the Dynamics of International Law' (2015) 12 No Foundations 1.
- van Sliedregt, E., 'International Criminal Law: Over-Studied and Underachieving?' (2016) 29 Leiden Journal of International Law 1.
- Virally, M., "La valeur juridique des recommandations des organisations internationales", *AFDI*, 1956, p. 69–96.
- Vogenauer, S., 'An Empire of Light? Learning and Lawmaking in the History of German Law' (2005) 64 Cambridge Law Journal 481.
- von Bogdandy, A., Dann, P., and Goldmann, M., 'Developing the Publicness of Public International Law: Towards a Legal Framework for Global Governance Activities' (2008) 9 German Law Journal 1375.
- Waldock, C.H.M., 'General Course on Public International Law' (1962) 106 Recueil des cours 1.
- Watson, J.S., 'Legal Theory, Efficacy and Validity in the Development of Human Rights Norms in International Law' (1979) 3 University of Illinois Law Forum 609.
- Weiß, W., 'Allgemeine Rechtsgrundsätze des Völkerrechts', *Archiv des Völkerrechts*, vol. 39 (2001), pp. 394–431.
- Weiß, W., 'Die Rechtsquellen des Völkerrechts in der Globalisierung: Zu Notwendigkeit und Legitimation neuer Quellenkategorien', *Archiv des Völkerrechts*, vol. 53 (2015), pp. 220–251.
- Wood, M., 'What Is Public International Law? The Need for Clarity about Sources' (2011) 1 Asian Journal of International Law 205.
- Wright, Q., 'The Strengthening of International Law' (1959) 98 Recueil des Cours 1 Yee S., 'Article 38 of the ICJ Statute and Applicable Law: Selected Issues in Recent Cases' (2016) 7 Journal of International Dispute Settlement 472.
- Zadorozhnyi, O., 'To Justify Against All Odds: The Annexation of Crimea in 2014 and the Russian Legal Scholarship' (2015) 35 Polish Yearbook of International Law 139.
- Zarbiyev, F., 'Saying Credibly What the Law Is: On Marks of Authority in International Law' (2018) 9 Journal of International Dispute Settlement 291.

D. Other publications

- American Law Institute, *Restatement of the Law of Foreign Relations of the United States*, vol. I (American Law Institute Publishers 1987).
- Council of Europe, "Steering Committee for Human Rights (CCDH) Report," 29 November 2024.
- Council of the European Union, *AU-EU Expert Report on the Principle of Universal Jurisdiction*, Brussels, 16 April 2009, 8672/09, Rev. 1.

Gaillard, E., 'The Denunciation of the ICSID Convention', *Transnational Dispute Management* (2007) www.transnational-dispute-management.com/article.asp?key=1074.

ICJ, Case Concerning Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo), I.C.J Reports 2012, Declaration of Judge Greenwood.

Institut de droit international, resolution on precedents and case law (jurisprudence) in interstate litigation and advisory proceedings (2 RES EN), 1 September 2023, para. 1, Special Rapporteurs: Mohamed Bennouna and Alain Pellet.

Institut de droit international, *The Elaboration of General Multilateral Conventions And of Non-contractual Instruments Having a Normative Function or Objective*, Session of Cairo, 1987, https://www.idi-iil.org/app/uploads/2017/06/1987_caire_02_en.pdf.

Ku, J.G., 'China's Legal Scholars Are Less Credible After South China Sea Ruling', *Foreign Policy* (14 July 2016) <http://foreignpolicy.com/2016/07/14/south-china-sea-lawyers-unclos-beijing-legal-tribunal>.

Moiseienko, A., 'Guest Post: What do Russian Lawyers Say about Crimea?', *Opinio Juris* (24 September 2014) <http://opiniojuris.org/2014/09/24/guest-post-russian-lawyers-say-crimea/>.

Pauwelyn, J., and Pelc, K.J., 'Who Writes the Rulings of the World Trade Organization? A Critical Assessment of the Role of the Secretariat in WTO Dispute Settlement' (2019) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3458872.

Posner, R.A., 'The Theory and Practice of Citations Analysis, with Special Reference to Law and Economics', John M. Olin Program in Law and Economics Working Paper Number 83 (1999) http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1577&context=law_and_economics.

Rona, G., 'The ICRC's Status: In a Class of Its Own', *International Committee of the Red Cross* (17 February 2004) www.icrc.org/eng/resources/documents/misc/5w9fjy.htm.

Société française pour le droit international, *Colloque de Strasbourg: Le précédent en droit international* (Paris, Pedone, 2016).

Trindade, A.A.C., "Statute of the International Court of Justice," *Audiovisual Library of International Law* (2017) <http://legal.un.org/avl/ha/sicj/sicj.html>.

Wolfke, K., *Custom in Present International Law* (2nd edn, Martinus Nijhoff 1993) Wolfrum R and Möldner M, 'International Courts and Tribunals, Evidence', *Max Planck Encyclopedia of Public International Law* (article last updated August 2013) <http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e26>.

Wood, M., 'Teachings of the Most Highly Qualified Publicists (Art. 38 (1) ICJ Statute)', *Max Planck Encyclopedia of Public International Law* (article last updated October 2010) <http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1480>.

II. Decisions and works of international courts and tribunals

A. International Court of Justice and Permanent Court of International Justice

S.S. "Wimbledon", Judgment, 17 August 1923, P.C.I.J., Series A, No. 1, p. 15.

Factory at Chorzow case (Jurisdiction), Judgment No. 8, 26 July 1927, P.C.I.J., Series A, No. 9, p. 21.

Readaptation of the Mavrommatis Jerusalem Concessions (Jurisdiction), Judgment, 10 October 1927, P.C.I.J., Series A, No. 11, p. 3.

Interpretation of Judgments Nos. 7 and 8 (the Chorzów Factory), Judgment No. 11, 16 December 1927, P.C.I.J., Series A, No. 13, p. 21.

Phosphates in Morocco case, Judgment, 14th June, 1938, P.C.I.J., Series A/B, No. 74, p. 9.

Conditions of Admission of a State to the United Nations (Charter, Art. 4), Advisory Opinion: I.C.J. Reports 1948, p. 57.

Corfu Channel case, Judgment of April 9th, 1949: I.C.J. Reports 1949, p. 4.

Reparation for injuries suffered in the service of the United Nations, Advisory Opinion, I.C.J. Reports 1949, p. 174.

Interpretation of Peace Treaties, Advisory Opinion: I.C.J. Reports 1950, p. 65, Dissenting Opinion by Judge Zoričić, p. 98.

Nottebohm case (Preliminary Objection), Judgment of November 18th, 1953: I.C.J. Reports 1953, p. 111.

Case of the monetary gold removed from Rome in 1943 (Preliminary Question), Judgment of June 15th, 1954: I.C.J. Reports 1954, p. 19.

Nottebohm Case (second phase), Judgment of April 6th, 1955: I.C.J. Reports 1955, p. 4.

Case of Certain Norwegian Loans, Judgment of July 6th, 1957: I.C.J. Reports 1957, p. 9.

Case concerning the Application of the Convention of 1902 governing the Guardianship of Infants, Judgment (Netherlands v. Sweden), Judgment of November 28th, 1958: I.C.J. Reports 1958, p. 55.

Case concerning the Temple of Preah Vihear (Cambodia v. Thailand), Preliminary Objections, Judgment of 26 May 1961: I.C.J. Reports 1961, p. 17.

Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion of 20 July 1962: I.C.J. Reports 1962, p. 151.

Case concerning the Northern Cameroons (Cameroon v. United Kingdom), Preliminary Objections, Judgment of 2 December 1963: I.C.J. Reports 1963, p. 15.

South West Africa, Second Phase, Judgment, I.C.J. Reports 1966, p. 6.

Barcelona Traction, Light and Power Company, Limited, Judgment, I.C.J. Reports 1970, p. 3.

Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.

Fisheries Jurisdiction Case (United Kingdom v. Iceland), Merits, Judgment, I.C.J. Reports 1974, p. 3.

Nuclear Tests (Australia v. France), Judgment, I.C.J. Reports 1974, p. 253.

Aegean Sea Continental Shelf, Judgment, I.C.J. Reports 1978, p. 3.

United States Diplomatic and Consular Staff in Tehran, Judgment, I.C.J. Reports 1980, p. 3.

Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, I.C.J. Reports 1980, p. 73.

Continental Shelf (Tunisia/Libyan Arab Jamahiriya), Judgment, I.C.J. Reports 1982, p. 18.

Continental Shelf (Libyan Arab Jamahiriya/Malta), Application to Intervene, Judgment, I.C.J. Reports 1984, p. 3.

Delimitation of the Maritime Boundary in the Gulf of Maine Area, Judgment, I.C.J. Reports 1984, p. 246.

Continental Shelf (Libyan Arab Jamahiriya/Malta), Judgment, I.C.J. Reports 1985, p. 13.

Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) (Tunisia v. Libyan Arab Jamahiriya), Judgment, I.C.J. Reports 1985, p. 192.

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, Judgment, I.C.J. Reports 1986, p. 14.

Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947, Advisory Opinion, I.C.J. Reports 1988, p. 12.

Elettronica Sicula S.p.A. (ELSI), Judgment, I.C.J. Reports 1989, p. 15.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application to Intervene, Judgment, I.C.J. Reports 1990, p. 92.

Certain Phosphate Lands in Nauru (Nauru v. Australia), Preliminary Objections, Judgment, I.C.J. Reports 1992, p. 240.

Maritime Delimitation in the Area between Greenland and Jan Mayen, Judgment, I.C.J. Reports 1993, p. 38.

Territorial Dispute (Libyan Arab Jamahiriya/Chad), Judgment, I.C.J. Reports 1994, p. 6.

Maritime Delimitation and Territorial Questions between Qatar and Bahrain, Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1995, p. 6.

Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion, I.C.J. Reports 1996, p. 66.

Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Judgment, I.C.J. Reports 1997, p. 7.

Land and Maritime Boundary between Cameroon and Nigeria, Preliminary Objections, Judgment, I.C.J. Reports 1998, p. 275.

LaGrand (Germany v. United States of America), Judgment, I.C.J. Reports 2001, p. 466.

Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening), Judgment, I.C.J. Reports 2002, p. 303.

Oil Platforms (Islamic Republic of Iran v. United States of America), Judgment, I.C.J. Reports 2003, p. 161.

Avena and Other Mexican Nationals (Mexico v. United States of America), Judgment, I.C.J. Reports 2004, p. 12.

Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004, p. 136.

Pulp Mills on the River Uruguay (Argentina v. Uruguay), Judgment, I.C.J. Reports 2010, p. 14.

Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo), Merits, Judgment, I.C.J. Reports 2010, p. 639.

Ahmadou Sadio Diallo Case (Republic of Guinea v. Democratic Republic of the Congo), Compensation, Judgment, I.C.J. Reports 2012, p. 324.

Whaling in the Antarctic (Australia v. Japan), Declaration of Intervention of New Zealand, Order of 6 February 2013, I.C.J. Reports 2013, p. 3.

Frontier Dispute (Burkina Faso/Niger), Judgment, I.C.J. Reports 2013, p. 44.

Maritime Dispute (Peru v. Chile), Judgment, I.C.J. Reports 2014, p. 3.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, I.C.J. Reports 2015, p. 3.

Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile), Judgment, I.C.J. Reports 2018, p. 507.

Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019, p. 95.

Immunities and Criminal Proceedings (Equatorial Guinea v. France), Judgment, I.C.J. Reports 2020, p. 300.

Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), Preliminary Objections, Judgment, I.C.J. Reports 2021, p. 71.

B. International Criminal Court

Prosecutor v. Germain Katanga, Case No. ICC-01/04-01/07, Judgment pursuant to article 74 of the Statute, 7 March 2014, Trial Chamber II.

Situation in the Republic of Kenya, Case No. ICC-01/09-159, Decision on the “Victims’ request for review of Prosecution’s decision to cease active investigation”, 5 November 2015, Pre-Trial Chamber II.

C. International Tribunal for the Former Yugoslavia

Prosecutor v. Zejnil Delalić and others, Case No. IT-96-21-T, 16 November 1998, Trial Chamber.

Prosecutor v. Zejnil Delalić and others, Case No. IT-96-21-A, 20 February 2001, Appeals Chamber.

Prosecutor v. Anto Furundžija, Case No. IT-95-17/1-T, Judgment, 10 December 1998, Trial Chamber.

Prosecutor v. Duško Tadić, Case No. IT-94-1-A, Appeals Judgment, 15 July 1999, Appeals Chamber.

Prosecutor v. Zoran Kupreškić and others, Case No. IT-95-16-T, Judgment, 14 January 2000, Trial Chamber.

Prosecutor v. Milorad Krnojelac, Judgment, Case No. IT-97-25-T, 15 March 2002, Trial Chamber II.

D. International Tribunal for Rwanda

Prosecutor v. Alfred Musema, Case No. ICTR-96-13-T, Judgment and Sentence, 27 January 2000, Trial Chamber I.

Prosecutor v. Laurent Semanza, Case No. ICTR-97-20-A, 31 May 2000, Appeals Chamber, Separate Opinion of Judge Shahabuddeen.

Prosecutor v. Ignace Bagilishema, Case No. ICTR-95-1A-T, Judgment, 7 June 2001, Trial Chamber I.

Prosecutor v. Ignace Bagilishema, Case No. ICTR-95-1A-A, Judgment, 3 July 2002, Appeals Chamber.

Prosecutor v. Ferdinand Nahimana et al., Case No. ICTR-99-52-T, Judgment and Sentence, 3 December 2003, Trial Chamber I.

Ferdinand Nahimana, Jean-Bosco Barayagwiza and Hassan Ngeze v. Prosecutor, Case No. ICTR-99-52-A, Judgment, 28 November 2007, Appeals Chamber.

Prosecutor v. Sylvestre Gacumbitsi, Case No. ICTR-2001-64-A, Judgment, 7 July 2006, Appeals Chamber.

Prosecutor v. Athanase Seromba, Case No. ICTR-01-66-A, Judgment, 12 March 2008, Appeals Chamber.

Prosecutor v. Simon Bikindi, Case No. ICTR-01-72-T, Judgment, 2 December 2008, Trial Chamber III.

Prosecutor v. Théoneste Bagosora and Anatole Nsengiyumva, Case No. ICTR-98-41-A, Judgment, 14 December 2011, Appeals Chamber.

Prosecutor v. Thomas Lubanga Dyilo, Case No. ICC-01/04-01/06-2842, Judgment pursuant to Article 74 of the Statute, 14 March 2012, Trial Chamber I.

Prosecutor v. Callixte Nzabonimana, Case No. ICTR-98-44D-A, Judgment, 29 September 2014, Appeals Chamber.

E. International Tribunal for the Law of the Sea

M/V “Saiga” (No. 2) (Saint Vincent and the Grenadines v. Guinea), Judgment, Reports of Judgments, Advisory Opinions and Orders (ITLOS Reports) 1999, p. 10.

Southern Bluefin Tuna (New Zealand v. Japan; Australia v. Japan), Provisional Measures, Order of 27 August 1999, ITLOS Reports 1999, p. 280.

“Grand Prince” (Belize v. France), Prompt Release, Judgment, ITLOS Reports 2001, p. 17.

Land Reclamation in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures, Order of 8 October 2003, ITLOS Reports 2003, p. 10.

Responsibilities and obligations of States with respect to activities in the Area, Advisory Opinion, 1 February 2011, ITLOS Reports 2011, p. 10.

Delimitation of the Maritime Boundary in the Bay of Bengal (Bangladesh/Myanmar), Judgment, ITLOS Reports 2012, p. 4.

M/V “Louisa” (Saint Vincent and the Grenadines v. Kingdom of Spain), Judgment, ITLOS Reports 2013, p. 4.

Request for Advisory Opinion submitted by the Sub-Regional Fisheries Commission, Advisory Opinion, 2 April 2015, ITLOS Reports 2015, p. 4.

F. Special Court for Sierra Leone

Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone (with annexed Statute) (Freetown, 16 January 2002), United Nations, Treaty Series, vol. 2178, No. 38342, p. 137.

Prosecutor v. Samuel Hinga Norman, Case No. SCSL-2003-08-PT, Decision on the Prosecutor’s motion for immediate protective measures for witnesses and victims and for non-public disclosure, 23 May 2003, Trial Chamber.

Prosecutor v. Issa Hassan Sesay, Morris Kallon and Augustine Gbao, Case No. SCSL-04-15-T, Judgment, 2 March 2009, Trial Chamber.

G. Special Tribunal for Lebanon

Akhbar Beirut S.A.L. and Ibrahim Mohamed Ali Al Amin, Case No. STL-14-06/PT/AP/AR126.1, Decision on interlocutory appeal concerning personal jurisdiction in contempt proceedings, 23 January 2015, Appeals Panel, Separate and Partially Dissenting Opinion of Judge Nosworthy.

H. Reports of World Trade Organization Dispute Settlement Bodies

Appellate Body Report, Japan – Taxes on Alcoholic Beverages (Japan – Alcoholic Beverages II), WT/DS8/AB/R, WT/DS10/AB/R, WT/DS11/AB/R, adopted 1 November 1996, Dispute Settlement Reports 1996:I.

Appellate Body Report, Canada – Certain Measures Concerning Periodicals (Canada – Periodicals), adopted 30 July 1997, as modified by Appellate Body Report WT/DS31/AB/R, Dispute Settlement Reports 1997:I.

Appellate Body Report, European Communities – Customs Classification of Certain Computer Equipment (EC – Computer Equipment), WT/DS62/AB/R, WT/DS67/AB/R, WT/DS68/AB/R, adopted 22 June 1998, Dispute Settlement Reports 1998:V, p. 1851.

Appellate Body Report, India – Quantitative Restrictions on Imports of Agricultural, Textile, and Industrial Products (India – Quantitative Restrictions), adopted 22 September 1999, Dispute Settlement Reports 1999:IV, p. 1763.

Appellate Body Report, *Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products (Canada – Dairy)*, WT/DS103/AB/R, WT/DS113/AB/R, and Corr.1, adopted 27 October 1999, *Dispute Settlement Reports* 1999:V, p. 2057.

Panel Report, *United States – Sections 301-310 of the Trade Act of 1974 (US – Section 301 Trade Act)*, WT/DS152/R, adopted 27 January 2000, *Dispute Settlement Reports* 2000:II, p. 815.

Panel Report, *United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan (US – Hot-Rolled Steel)*, WT/DS184/R, adopted 23 August 2001 modified by Appellate Body Report WT/DS184/AB/R, DSR 2001:X, p. 4769.

Appellate Body Report, *United States – Import Prohibition of Certain Shrimp and Shrimp Products – Recourse to Article 21.5 [of the Dispute Settlement Understanding] by Malaysia*, WT/DS58/AB/RW, adopted 21 November 2001, *Dispute Settlement Reports* 2001:XIII, p. 6481.

Appellate Body Report, *United States – Sunset Review of Anti-Dumping Duties on Corrosion Resistant Carbon Steel Flat Products from Japan (US – Corrosion-Resistant Steel Sunset Review)*, WT/DS244/AB/R, adopted 9 January 2004, *Dispute Settlement Reports* 2004:I, p. 3.

Appellate Body Report, *United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services (US – Gambling)*, WT/DS285/AB/R, adopted 20 April 2005, *Dispute Settlement Reports* 2005:XII, p. 5663 (and Corr.1, *Dispute Settlement Reports* 2006:XII, p. 5475).

Appellate Body Report, *European Communities – Customs Classification of Frozen Boneless Chicken Cuts (EC – Chicken Cuts)*, WT/DS269/AB/R, WT/DS286/AB/R, adopted 27 September 2005, and Corr.1, *Dispute Settlement Reports* 2005:XIX, p. 9157.

Appellate Body Report, *United States – Final Anti-Dumping Measures on Stainless Steel from Mexico (US – Stainless Steel (Mexico))*, WT/DS344/AB/R adopted 20 May 2008, *Dispute Settlement Reports* 2008:II, p. 513.

Panel Report, *China – Measures Affecting the Protection and Enforcement of Intellectual Property Rights (China – Intellectual Property Rights)*, WT/DS362/R, adopted 20 March 2009, *Dispute Settlement Reports* 2009:V, p. 2097.

Appellate Body Report, *China – Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products (China – Publications and Audiovisual Products)*, WT/DS363/AB/R, adopted 19 January 2010, *Dispute Settlement Reports* 2010:I, p. 3.

Panel Report, *India – Export Related Measures*, WT/DS541/R and Add.1, 31 October 2019, mutually agreed solution reported, Annex A-2.

I. International Centre for Settlement of Investment Disputes

Telefónica S.A. v. Argentine Republic, ICSID Case No. ARB/03/20, Decision of the Tribunal on Objections to Jurisdiction, 25 May 2006.

Fraport AG Frankfurt Airport Services Worldwide v. Republic of the Philippines (I), ICSID Case No. ARB/03/25, Award, 16 August 2007, Dissenting Opinion of Mr. Bernardo M. Cremades.

Víctor Pey Casado and President Allende Foundation v. Republic of Chile, ICSID Case No. ARB/04/7, Award, 21 August 2007.

Archer Daniels Midland Company and Tate & Lyle Ingredients Americas, Inc. v. United Mexican States, ICSID Case No. ARB (AF)/04/5, Award, 21 November 2007.

Caratube International Oil Company LLP v. Republic of Kazakhstan, ICSID Case No. ARB/08/12, Decision Regarding Claimant's Application for Provisional Measures, 31 July 2009.

Bayindir Insaat Turizm Ticaret Ve Sanayi A.S. v. Islamic Republic of Pakistan (I), ICSID Case No. ARB/03/29, Award, 27 August 2009.

Cargill, Incorporated v United Mexican States, ICSID Case No. ARB(AF)/05/2, Award, 18 September 2009.

Tidewater Investment SRL and Tidewater v. Venezuela, ICSID Case No. ARB/10/5, Decision on Claimant's Proposal to Disqualify Professor Brigitte Stern, Arbitrator, 23 December 2010.

Daimler Financial Services AG v. Argentine Republic, ICSID Case No. ARB/05/1, Award, 22 August 2012.

Sudapet Company Limited v. Republic of South Sudan, ICSID Case No. ARB/12/26, Award, 30 September 2016.

Burlington Resources Inc. v. Ecuador, ICSID Case No. ARB/08/5, Decision on Reconsideration and Award, 7 February 2017.

J. Arbitrations reported in the *Reports of International Arbitral Awards*

Claims of Italian nationals resident in Peru cases (Italy, Peru), Award, 30 September 1901, UNRIAA, vol. XV (Sales No. 66.V.3), pp. 389–453.

Island of Palmas (Netherlands, United States of America), Award, 4 April 1928, UNRIAA, vol. II (Sales No. 1949.V.1), pp. 829–871.

Mexico/United States, General Claims Commission, James H. McMahan (U.S.A.) v. United Mexican States, Award, 30 April 1929, UNRIAA, vol. IV, pp. 486–496.

Dickson Car Wheel Company (U.S.A.) v. United Mexican States, Award, July 1931, UNRIAA, vol. IV (Sales No. 1951.V.1), pp. 669–691.

Trail smelter case (United States, Canada), Awards, 16 April 1938 and 11 March 1941, UNRIAA, vol. III (Sales No. 1949.V.2), pp. 1905–1982.

French-Italian Conciliation Commission, *Différend interprétation et application des dispositions de l'Article 78, par. 7, du Traité de Paix au territoire éthiopien — Décisions nos 176 et 201*, Awards, 1 July 1954 and 16 March 1956, UNRIAA, vol. XIII (Sales No. 64.V.3), pp. 626–661.

Italian-United States Conciliation Commission, *Fubini Case — Decision No. 201*, Award, 12 December 1959, UNRIAA, vol. XIV (Sales No. 65.V.4), pp. 420–434.

Case of the Government of the Kingdom of Greece (on behalf of Apostolidis) v. the Federal Republic of Germany, decision of the Second Chamber, 11 May 1960, UNRIAA, vol. XXIX, pp. 445–484.

Case concerning the difference between New Zealand concerning the interpretation or application of two agreements concluded on 9 July 1986 between the two States and which related to the problems arising from the Rainbow Warrior Affair, Award, 30 April 1990, UNRIAA, vol. XX (Sales No. E.93.V.3), pp. 215–284.

Arbitration between Barbados and the Republic of Trinidad and Tobago, relating to the delimitation of the exclusive economic zone and the continental shelf between them, Decision, 11 April 2006, *Reports of International Arbitral Awards* (UNRIAA), vol. XXVII (Sales No. E.06.V.8), pp. 147–251, at p. 222.

K. Other arbitral awards

Saudi Arabia v. Arabian American Oil Co. (ARAMCO), Award of 23 August 1958, *International Law Reports* (ILR), vol. 27 (1963), p. 117, at p. 211.

Sandline International v. Papua New Guinea, Award of 9 October 1998, ILR, vol. 117 (1998), p. 555.

European Court of Human Rights, *Banković v. Belgium*, Decision, 12 December 2001, *International Law Reports* vol. 123 (2003), p. 94.

United Nations Commission on International Trade Law, *The Canadian Cattlemen for Fair Trade v. United States of America*, UNCITRAL, Award on Jurisdiction, 28 January 2008.

Permanent Court of Arbitration, *Chevron Corporation (U.S.A.) and Texaco Petroleum Corporation (U.S.A.) v. Republic of Ecuador*, PCA Case No. 2007-02/AA277, Interim Award, 1 December 2008.

London Court of International Arbitration, *Arbitration on Ontario and Quebec Programs (United States v. Canada)*, Opinion with Respect to Selected International Legal Problems in LCIA Case No. 7941 by Michael Reisman, 1 May 2009.

Permanent Court of Arbitration, *HICEE B.V. v Slovak Republic*, PCA Case No. 2009-11, Partial Award, 23 May 2011.

Anatolie Stati et al. v. Republic of Kazakhstan (I), SCC Case No. V 116/2010, Award, 19 December 2013.

III. Relevant decisions of national judicial bodies

Germany, Federal Court of Justice, 3 StR 564/19, Judgment, 28 January 2021 (in German).

Sierra Leone, Supreme Court of Sierra Leone, *Issa Hassan Sesay and others v. The President of the Special Court, the Registrar of the Special Court, the Prosecutor of the Special Court and the Attorney General and the Minister of Justice*, Case No. 1/2003, Judgment, 14 October 2005.

South Africa, Supreme Court of Appeal of South Africa, *Minister of Justice and Constitutional Development and others v. Southern African Litigation Centre and others*, 2016 (3) SA 317 (SCA) (15 March 2016).

United States of America, *Doe v. Nestle S.A.*, 748 F. Supp. 2d 1057, 1069, n. 11 (C.D. Cal. 2010).

United States, *Flores v. Southern Peru Copper Corp.*, 406 F.3d 65, 83 (2d Cir. 2003).

United States, *The Paquete Habana*, 175 U.S. 677 (1900).

United States, *United States v. Hasan*, 747 F. Supp. 2d 599, 631-637 (E.D. Va. 2010).

United States, *United States v. Yousef*, 327 F.3d 56 (2d Cir. 2003).

United States, *Vietnam Association for Victims of Agent Orange v. Dow Chemical Co.*, 517 F.3d 104 (2d Cir. 2008).

United Kingdom of Great Britain and Northern Ireland, *Mohammed and others v. Secretary of State for Defence*, [2015] EWCA Civ 843.

United Kingdom, *R. v Secretary of State for the Home Department*, Ex parte Read [1989] AC 1014.

United Kingdom, *Sepet v. Secretary of State for the Home Department* [2003] UKHL 15.

United States, *Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004).

IV. Selected treaties and other instruments

Charter of the United Nations.

Statute of the International Court of Justice.

V. United Nations documents and records

Reports by Special Rapporteurs and Study Groups of the Commission

First report on subsidiary means for the determination of rules of international law, by Mr. Charles Chernor Jalloh, Special Rapporteur, [A/CN.4/760](#).

Second report on subsidiary means for the determination of rules of international law, by Mr. Charles Chernor Jalloh, Special Rapporteur, [A/CN.4/769](#).

Third report on subsidiary means for the determination of rules of international law, by Mr. Charles Chernor Jalloh, Special Rapporteur, [A/CN.4/781](#).

Fourth report on subsequent agreements and subsequent practice in relation to the interpretation of treaties, by Mr. Georg Nolte, Special Rapporteur, [A/CN.4/694](#).

Second report on general principles of law, by Mr. Marcelo Vázquez-Bermúdez, Special Rapporteur, [A/CN.4/741](#).

Third report on general principles of law by Mr. Marcelo Vázquez-Bermúdez, Special Rapporteur, [A/CN.4/753](#).

Third report on identification of customary international law, by Sir Michael Wood, Special Rapporteur, [A/CN.4/682](#).

Report of the Study Group on Fragmentation of International Law: difficulties arising from the diversification and expansion of international law, [A/CN.4/L.644](#), reproduced in *Yearbook of the International Law Commission*, 2003, vol. II (Part Two), paras. 415–435.

Report of the Study Group of the International Law Commission, finalized by Mr. Martti Koskenniemi, *Yearbook of the International Law Commission*, 2006, volume II (Part One), addendum 2, document [A/CN.4/L.682](#) and [Add.1](#).

Outputs of the Commission

Articles on the responsibility of international organizations and commentaries thereto, *Yearbook of the International Law Commission*, 2011, vol. II (Part Two), paras. 87–88.

Conclusions on the identification of customary international law and commentaries thereto, *Yearbook of the International Law Commission*, 2018, vol. II (Part II), paras. 65–66.

Conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties and commentaries thereto, *Yearbook of the International Law Commission*, 2018, vol. II (Part Two), paras. 51–52.

Reports by the Secretariat

Responsibility of States for internationally wrongful acts: compilation of decisions of international courts, tribunals and other bodies, Report of the Secretary-General, [A/74/83](#).

Subsidiary means for the determination of rules of international law, Elements in the previous work of the International Law Commission that could be particularly relevant to the topic, Memorandum by the Secretariat, [A/CN.4/759](#).

Subsidiary means for the determination of rules of international law, Memorandum by the Secretariat, [A/CN.4/765](#).

Topical summary of the discussion held in the Sixth Committee of the General Assembly during its seventy-sixth session, prepared by the Secretariat, [A/CN.4/746](#).

Topical summary of the discussion held in the Sixth Committee of the General Assembly during its seventy-seventh session, prepared by the Secretariat, [A/CN.4/755](#).

Reports of the Commission

Report of the International Law Commission on the work of its seventieth session, *Official Records of the General Assembly, Seventy-third Session*, Supplement No. 10 ([A/73/10](#)).

Report of the International Law Commission on the work of its seventy-first session, *Official Records of the General Assembly, Seventy-fourth Session*, Supplement No. 10 ([A/74/10](#)).

Report of the International Law Commission on the work of its seventy-second session, *Official Records of the General Assembly, Seventy-sixth Session*, Supplement No. 10 ([A/76/10](#)).

Report of the International Law Commission on the work of its seventy-third session, *Official Records of the General Assembly, Seventy-seventh Session*, Supplement No. 10 ([A/77/10](#)).

Report of the International Law Commission on the work of its seventy-fourth session, *Official Records of the General Assembly, Seventy-eighth Session*, Supplement No. 10 ([A/78/10](#)).

General Assembly resolutions

General Assembly resolution 2625 (XXV), Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, 24 October 1970.

VI. Documents and records of other organizations

International Committee of the Red Cross, Guidelines on the Protection of the Natural Environment in Armed Conflict, International Committee of the Red Cross, 2020.
