

# Table of Contents

Foreword <i>Hélène Ruiz-Fabri &amp; Anne Peters</i>	v
Foreword <i>Sir Eilihu Lauterpacht</i>	vii
Introduction <i>James Crawford &amp; Sarah Nouwen</i>	xiii

## PART I: 1989–2010: THE WORLD AND INTERNATIONAL LAW

1. International Law 1989–2010: A Performance Appraisal <i>Andrew Hurrell</i>	3
Comments on Hurrell: The End of Geography? <i>Sir Daniel Bethlehem</i>	21
Comments on Hurrell <i>Judge Xue Hanqin</i>	27
2. The Impact of the East–West Divide on International Law: Patterns of Discourse and the Waves of 1989 <i>Tibor Várady</i>	31
3. The End of the Cold War: An Epochal Event in the History of International Law? <i>Randall Lesaffer</i>	45
4. 1989–2010: The Rise and Fall of Democratic Governance in International Law <i>Jean d’Aspremont</i>	61
5. Persisting and Developing between Hope and Threat: International Law during the Past Two Decades and Beyond <i>Georg Nolte</i>	75

## PART II: 1989–2010: LEGALISATION AND LAW-MAKING

6. Less is More: International Law of the 21st Century—Law without Faith <i>Alain Pellet</i>	81
7. The Process of Legalisation After 1989 and its Contribution to the International Rule of Law <i>André Nollkaemper</i>	89
8. Typologie des Résolutions de l’ONU Créatrices de Droit International Général <i>Anne-Thida Norodom</i>	103

9. Law-making by Scholarship? The Dark Side of 21st Century International Legal ‘Methodology’ 115  
*Jörg Kammerhofer*
10. Judicial Law-making in International Criminal Law: The Legitimacy Conundrum 127  
*Marjan Ajevski*
11. Revisiting Monism’s Ethical Dimension 141  
*George Rodrigo Bandeira Galindo*
12. Domestic Courts as the ‘Natural Judge’ of International Law: A Change in Physiognomy 155  
*Antonios Tzanakopoulos*

**PART III: 1989–2010: INTERNATIONAL LAW AND THE STATE**

13. Statehood after 1989: ‘*Effectivités*’ between Legality and Virtuality 171  
*Anne Peters*
14. From the National Border to the National Eleven: A (Partial and Partisan) Appraisal of the State System’s Performance since the End of the Cold War 185  
*Boldizsár Nagy*
15. A Comment on Peters and Nagy: The State in Critical Perspective 199  
*Tarak Barkawi*

**PART IV: 1989–2010: INTERNATIONAL LAW AND INTERNATIONAL INSTITUTIONS**

16. Paradise Lost? De-formalisation, Control and Trust in International Institutions 207  
*Jan Klabbers*
17. Panels, Médiateurs et Mécanismes Informels de Contrôle des Activités des Organisations Internationales: Entre *Accountability* et *Responsibility* 217  
*Pierre Klein*
18. Compliance with Decisions of International Courts as Indicative of their Effectiveness: A Goal-based Analysis 229  
*Yuval Shany*
19. The Security Council as Dispenser of (or with) International Law 243  
*Stefan Talmon*
20. Systemic Integration and International Investment Law 257  
*Edward Guntrip*
21. Limits of Depoliticisation in Contemporary Investor-State Arbitration 271  
*Martins Paparinskis*

**PART V: 1989–2010: INTERNATIONAL LAW AND THE REGIONS**

22. La Coopération Régionale dans le Monde Post-soviétique: Bilans et Perspectives 285  
*Lucie Delabie*

23. Universalisme et Régionalisme en Matière d'échanges Commerciaux Internationaux <i>Alberta Fabbricotti</i>	301
24. Co-adaptation in the International Legal Order: The EU and the WTO <i>Geert de Baere &amp; Isabelle van Damme</i>	311

**PART VI: 1989–2010: INTERNATIONAL LAW AND THE CHALLENGES OF 2010**

25. Prosecuting Environmental Damage under International Criminal Law <i>Matthew Gillett</i>	329
26. La Convention d'Århus: 'Avancée Majeure du Droit International'? <i>Christine Larssen</i>	339
27. Two Decades Lost: Reinvigorating the Weak Cousin of WTO Law <i>Michael Waibel</i>	353
28. The Poverty of Development and the Development of Poverty in International Law <i>Sundhya Pahuja</i>	365

**PART VII: APPRAISAL**

29. Pouring Away the Sweet Milk of Concord: A Call for Argument and Debate <i>Guglielmo Verdirame</i>	377
30. Reflections on the Asymmetric Rule of Law in International Relations <i>Jochen von Bernstorff</i>	381
31. Quelques Réflexions en Guise de Conclusion <i>Anne Lagerwall</i>	385
32. Post-1989 as a Narrative <i>Thomas Skouteris</i>	389
33. A Call for Conceptual Clarity <i>Amanda Perreau-Saussine</i>	395

**EPILOGUE: 1989–2010: THE BLACK HOLE**

34. Once Upon a Time There Was a Gap... <i>Roger O'Keefe</i>	401
---	-----