Assessing the Effectiveness of International Courts

YUVAL SHANY

OXFORD
UNIVERSITY PRESS

OXFORD
UNIVERSITY PRESS

Great Clarendon Street, Oxford, OX2 6DP,
United Kingdom

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide. Oxford is a registered trade mark of
Oxford University Press in the UK and in certain other countries

First Edition published in 2014

Impression: 1

Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data
Data available

Library of Congress Control Number: 2013950748

ISBN 978–0–19–964329–5

Printed and bound in Great Britain by
CPI Group (UK) Ltd, Croydon, CR0 4YY

Introduction

Empirical Scholarship on International Courts

During the last twenty years, the world has experienced a sharp rise in the number of international courts and tribunals and the corresponding expansion of their jurisdictions.[1] Beyond doubt, these developments have dramatically affected (and will continue to affect) the field of international law specifically and international relations more generally. The existence of judicial bodies that are capable of enforcing international commitments, interpreting international norms, and settling international conflicts has facilitated the development of international law and the smooth operation of cooperative regimes, which nowadays govern important areas of international law and politics, such as economic integration, human rights, and investment protection. This strengthening of international judicial institutions can potentially render international law more concrete, omnipresent, and influential. In fact, given the relative weakness of the other branches of the international law "system," the legislative and executive branches, one may view international courts and tribunals as the lynchpin of an emerging rule-based international order, which is increasingly displacing the more power-based international order that previously reigned in international relations.[2]

The proliferation of international courts and tribunals, understood here as independent judicial bodies, created by an international instrument, and invested with the authority to apply international law to specific cases brought before them,[3] has already been the subject of voluminous literature. Various studies have examined the legal powers of international judicial institutions, their jurisdictional relations with one another and with other national and international bodies, and

[1] See eg, Yuval Shany, *The Competing Jurisdictions of International Courts and Tribunals* (Oxford University Press, Oxford 2003) 3–7; Jenny S Martinez, "Towards an International Judicial System" (2003) 56 Stanford L Rev 429; Cesare PR Romano, "The Proliferation of International Judicial Bodies: The Pieces of the Puzzle" (1999) 31 New York University J Int'l L and Politics 709.

[2] See eg, G John Ikenberry, *Liberal Leviathan: The Origins, Crisis and Transformation of the American World Order* (Princeton University Press 2011) 284–85; Benedict Kingsbury, "International Courts: Uneven Judicialization in Global Order" in James Crawford and Martti Koskenniemi (eds), *The Cambridge Companion to International Law* (Cambridge University Press, Cambridge 2012) 223–24 (linking the growth of adjudication to a liberal project of reconfiguring world order).

[3] See Romano (n 1) 712; Erik Voeten, "The Politics of International Judicial Appointments" (2009) 9 Chicago J Int'l L 387, 389 (international courts are created "by definition" by multiple governments); José E Alvarez, *International Organizations As Law-Makers* (Oxford University Press, Oxford 2005) 458; Shany (n 1) 12, note 44; Christian Tomuschat, "International Courts and Tribunals" in Rüdiger Wolfrum (ed), *Max Planck Encyclopedia of Public International Law* (Oxford University Press, Oxford 2008) (online edition).

their contribution to the development of international law.[4] Moreover, a growing number of empirical studies have explored the actual social impact of international courts and tribunals, ie, international adjudication in action.[5] These studies have asked questions such as: Are their decisions complied with?[6] Do they actually resolve the disputes brought before them?[7] Can international courts facilitate long-lasting changes in domestic law and practice?[8] Do international criminal courts generate deterrence or facilitate national reconciliation?[9] Does the involvement of international economic courts affect economic relations?[10]

[4] See eg, Shiv Bedi, *The Development of Human Rights Law by the Judges of the International Court of Justice* (Hart Publishing, Oxford 2007); Tim Stephens, *International Courts and Environmental Protection* (Cambridge University Press, Cambridge 2009); Dan Sarooshi and Malgosia Fitzmaurice (eds), *Issues of State Responsibly before International Judicial Institutions* (Hart Publishing, Oxford 2004).

[5] See eg, Donald McRae, "Measuring the Effectiveness of the WTO Dispute Settlement System" (2008) 3 Asian Journal of WTO & International Health Law and Policy 1; Lawrence R Helfer, Karen J Alter, and M Florencia Guerzovich, "Islands Of Effective International Adjudication: Constructing An Intellectual Property Rule Of Law In The Andean Community" (2009) 103 American Journal of International Law (AJIL) 1; James F Alexander, "The International Criminal Court and the Prevention of Atrocities: Predicting the Court's Impact" (2009) 54 Villanova L Rev 1; Lawrence R Helfer and Anne-Marie Slaughter, "Toward a Theory of Effective Supranational Adjudication" (1997) 107 Yale LJ 273; Mike Burstein, "The Will to Enforce: An Examination of the Political Constraints upon a Regional Court of Human Rights" (2006) 24 Berkeley J Int'l L 423; Leah Granger, "Explaining the Broad-Based Support for WTO Adjudication" (2006) 24 Berkeley J Int'l L 521; Julian Ku and Jide Nzelibe, "Do International Criminal Tribunals Deter or Exacerbate Humanitarian Atrocities?" (2006) 84 Washington University L Rev 777; Elena Baylis, "Reassessing the Role of International Criminal Law: Rebuilding National Courts Through Transnational Networks" (2009) 50 Boston College L Rev 1; Andrew Guzman, "International Tribunals: A Rational Choice Analysis" (2008) 157 University of Pennsylvania L Rev 171; William Burke-White, "A Community of Courts: Toward a System of International Criminal Law Enforcement" (2003) 24 Michigan J Int'l L 1; Juscelino Colares, "A Theory of WTO Adjudication: From Empirical Analysis to Biased Rule Development" (2009) 42 Vanderbilt J Transnat'l L 383.

[6] See eg, Constanze Schulte, *Compliance with Decisions of the International Court of Justice* (Oxford University Press, Oxford 2004); Colter Paulson, "Compliance with Final Judgments of the International Court of Justice Since 1987" (2004) 98 AJIL 434; Aloysius P Llamzon, "Jurisdiction and Compliance in Recent Decisions of the International Court of Justice" (2007) 18 European J Int'l L 852; Open Society Justice Initiative, *From Judgment to Justice: Implementing International and Regional Human Rights Decisions* (Open Society Foundations, New York 2011); James L Cavallaro and Stephanie Brewer, "Reevaluating Regional Human Rights Litigation in the Twenty-First Century: The Case of the Inter-American Court" (2008) 102 AJIL 768.

[7] See eg, Cesare PR Romano, *the Peaceful Settlement of International Environmental Disputes: A Pragmatic Approach* (Kluwer Law International, Alphen aan den Rijn 2000); Helen Keller, Magdalena Forowicz, and Lorenz Engi, *Friendly Settlements before the European Court of Human Rights: Theory and Practice* (Oxford University Press, Oxford 2011); Marc L Bush and Eric Reinhardt, "Bargaining in the Shadow of the Law: Early Settlement in GATT/WTO Disputes" (2000) 24 Fordham Int'l LJ 158.

[8] See eg, Helen Keller and Alec Stone Sweet (eds), *A Europe of Rights: The Impact of the ECHR on National Legal Systems* (Oxford University Press, Oxford 2008); Andreas Obermaier, *The End of Territoriality? The Impact of ECJ Rulings on British, German and French Social Policy* (Ashgate, Farnham 2009); Claus Kreβ and Flavia Lattanzi (eds), *The Rome Statute and Domestic Legal Orders* (Nomos Verlagsgesellschaft, Baden Baden 2000) vol 1–2.

[9] See eg, Juan E Mendez, "The Importance of Justice in Securing Peace" (First Review Conference of the Rome Statute for an ICC, Kampala, May–June 2010); John Hagan and Sanja Kutnjak Ivkovic, "War Crimes, Democracy and the Rule of Law in Belgrade, the Former Yugoslavia and Beyond" (2006) 605 Annals of the American Academy of Political and Social Science 130; Ku and Nzelibe (n 5).

[10] See eg, Chad P Bown, "On the Economic Success of GATT/WTO Dispute Settlement" (2004) 86 Review of Econonimics and Statistics 811; Cécile Borokelind (ed), *Towards a Homogeneous EC Direct Tax Law* (IBFD Publications, Amsterdam 2007).

Three central concerns about the growth of international adjudication underlie this empirical twist in international adjudication scholarship:[11] doubts about the viability of court-based governance of international relations (corresponding to the "hollow hope" literature historically associated with some domestic adjudication procedures),[12] apprehensions about the negative side effects or externalities generated by judicial activity (eg, loss of flexibility in dispute resolution),[13] and the problem of high costs that may outweigh the benefits of adjudication (eg, investment of considerable resources in establishing courts that ultimately handle a negligible number of cases).[14]

The move to establish large numbers of international courts in the 1990s and onwards was largely based on intuitive leaps of faith taken by international lawmakers without first undertaking any serious impact assessment. The negotiators who formulated the constitutive instruments establishing international courts seem to have acted pursuant to a belief that an increase in the number and power of international courts would strengthen international law and that a strengthened regime of international law would imply improvement in international relations. Likewise, negotiators assumed that the benefits of international adjudication far outweighed any of its direct or indirect costs.

The veracity of these assumptions, however, is no longer viewed as self-evident. It looks as if certain international courts and tribunals chronically fail to meet a good part of the hopes and expectations that led to their creation; moreover, the establishment of some international courts might have entailed adverse side effects or costs that outweighed many of the benefits associated with their operation. Finally, it cannot be ruled out *ab initio* that results of equal value to those produced by international courts might have been generated by other less costly or time-consuming international mechanisms.[15] Empirical research is necessary to prove or disprove the assumptions underlying the establishment of international courts and in the process to examine the correctness and continued relevance of these original assumptions.

The present book is informed by empirical literature on international courts and tribunals. Like this literature, it adopts as its intellectual point of departure a skeptical stance towards international adjudication and poses fundamental questions about its utility: Are international courts effective tools for international governance? Do they in fact fulfill the expectations that have led to their creation and empowerment? Do they, by way of example, improve compliance with

[11] This shift in focus is occurring in other areas of international law scholarship as well. See Gregory Shaffer and Tom Ginsburg, "The Empirical Turn in International Legal Scholarship" (2012) 106 AJIL 1.

[12] Cf Gerald N Rosenberg, *The Hollow Hope: Can Courts Bring About Social Change?* (2nd edn, University of Chicago Press, Chicago 2008).

[13] See Yuval Shany, "No Longer a Weak Department Of Power? Reflections on the Emergence of a New International Judiciary" (2009) 20 European Journal of International Law (EJIL) 73, 80.

[14] See Thordis Ingadóttir, "Financing International Adjudication" in Cesare PR Romano, Karen J Alter, and Yuval Shany (eds), *Handbook of International Adjudication* (Oxford Univeristy Press, Oxford 2013)(forthcoming 2014).

[15] See generally, Neil K Komesar, *Imperfect Alternatives: Choosing Institutions in Law, Economics, and Public Policy* (University of Chicago Press, Chicago 1997) 5 ("It is institutional choice that connects goals with their legal or public policy results").

international norms? What are the adverse effects associated with international adjudication and do the benefits of international adjudication outweigh its costs? What are the "opportunity costs" of resorting to international adjudication and not to other procedures for settling or managing international conflicts?

Nevertheless, unlike most of the empirical literature, the focus in this book is conceptual: it offers a framework for analyzing international court effectiveness, but does not seek to carry it out by way of gathering and processing empirical data. Where I do apply empirical data in this book, it is mostly based on the work of others who have collected and analyzed it. I do aim, however, to cast such data in a new light in accordance with the conceptual model of effectiveness developed here. As a result, the book cannot and does not respond in a decisive manner to the questions posed above, ie, whether all international courts, or any one of them, are effective, cost-effective, and the like. What I do attempt to present in this book is a method of approaching such questions in the future.

Existing Definitions of Effectiveness

The rapidly increasing literature on international courts contains interesting empirical data to sustain claims of judicial effectiveness or ineffectiveness.[16] Nevertheless, a significant portion of this empirical literature possesses an "Achilles heel," found in the crude and/or intuitive definitions of "effectiveness" it employs, which often equates judicial effectiveness with judgment-compliance, usage rate, and impact on state conduct.[17] Still, to date, no coherent theory has been presented explaining what judicial effectiveness is and why the three mentioned above may serve as useful proxies for identifying it.

The methodological difficulties stemming from the lack of a clear definition of effectiveness are further compounded by assumptions employed in the literature about the role of international courts in the life of the international community. These assumptions sometimes crudely transpose the role that courts play in national legal systems onto the international realm.[18] The combination of an underdeveloped understanding of what ought to constitute an effective international court and the theoretical and practical difficulties associated with actually measuring such criteria, may lead to misunderstandings and unsatisfying results about the effectiveness of international courts.

In the present book, I seek to fill this gap in international legal scholarship by offering a conceptual framework to analyze questions about the effectiveness of international courts, which could serve as the basis for future research programs. I observe that methodological problems generally similar to the ones mentioned

[16] See eg, Eric A Posner and John C Yoo, "Judicial Independence in International Tribunals" (2005) 93 California L Rev 1, 7; Ku and Nzelibe (n 5) 780.

[17] See eg, Posner and Yoo (n 16) 28–29.

[18] See eg, Guzman (n 5) 178 ("Much of the existing debate on international courts…implicitly assumes that the role of these tribunals is essentially the same as that of domestic courts").

above have attracted considerable attention over a long period of time in the social science literature. Within this academic discipline, a vast body of studies deals with how to assess the effectiveness of organizations in general and public or governmental organizations in particular. (Such literature is normally classified in sociology under organizational studies or under public administration studies.) This literature appears to provide a number of conceptual frameworks and empirical indicators that could be applied when assessing the effectiveness of international courts and tribunals (which may be regarded, similar to domestic courts, as public organizations). Such "intellectual borrowing" may enrich the existing discourse on the effectiveness of international courts and provide us with new tools to measure effectiveness, as well as improve our understanding of the methodological limits of the exercise. This conceptual framework, a goal-based approach to evaluating effectiveness, also lends to an understanding of the factors that render some courts more effective than others. Finally, it allows for a re-evaluation of the usefulness of the proxies for effective international adjudication used in earlier literature.

In fact, the goal-based approach presented and developed in this book casts doubt on the reliability and utility of all of the three main proxies for international court effectiveness that other researchers have used: judgment-compliance, usage rate, and impact on state conduct. For example, compliance rates may depend as much on the nature of the decisions issued by a court as on the actual or perceived quality of the court's structures or procedures. Thus, a "low-aiming" court, which issues timid substantive judgments or minimalist remedies, may generate high levels of compliance yet yield only minor impact on the state of affairs and poorly contribute to the policy problem it was designed to address.[19] Likewise, high usage or litigation rates may be indicative of the parties' perceived utility of turning to the court, but also of the inability of the court to generate, over time, adequate normative guidance that would reduce the number of legal disputes.[20] It may also suggest that the court's "shadow" is limited in its length, ie, that the impact on state conduct generated by potential applicants who threaten to initiate litigation against potential respondents is marginal, and that the parties are not inclined to settle their conflicts out of court in accordance with the anticipated results of litigation.[21] As a result, high usage rate may suggest either a significant impact of an international court on state conduct, or the existence of minimal impact.

[19] See eg, Guzman (n 5) 187; Yuval Shany, "Compliance with Decisions of International Courts as Indicative of their Effectiveness: A Goal-Based Analysis" in James Crawford and Sarah Nouwen (eds), *Select Proceedings of the European Society of International Law 2010* (Hart Publishing, Oxford 2012) 231. For a comparable discussion of the relationship between compliance and effectiveness, see Harold K Jacobson and Edith Brown Weiss, "A Framework of Analysis" in Edith Brown Weiss and Harold K. Jacobson (eds), *Engaging Countries: Strengthening Compliance with International Environmental Accords* (MIT Press, Cambridge MA 2000) 5 ("Countries may be in compliance with a treaty, but the treaty may nevertheless be ineffective in attaining its objectives").

[20] See eg, the large number of lumber-related disputes before NAFTA and WTO dispute settlement procedures, resulting from the inability of the litigation process to facilitate resolution of the dispute. For a discussion, see Gregory W Bowman and others, *Trade Remedies in North America* (Kluwer Law International, Alphen aan den Rijn 2010) 553–87.

[21] See generally, Hector Fix Fierro, *Courts, Justice & Efficiency: A Socio-Legal Study of Economic Rationality in Adjudication* (Hart Publishing, Oxford 2003) 47–48.

Even impact on state conduct, the traditional touchstone for effectiveness in the international relations literature,[22] may be a problematic proxy under the goal-based approach I advocate. This is because it dissociates impact from normative evaluation of how international courts *should* be impacting states (and other relevant actors). It is one thing to assess whether an international court actually changes the state of the world; it is another to assess whether the change wrought has been a change for the better or for the worse, or whether the change was intentional and if it conforms to the expectations of the court's principal stakeholders.

Some of the same criticism may be leveled against using normative impact as the ultimate proxy for effectiveness.[23] Like other attempts to ascertain impact in a multi-cause environment, it is extremely difficult to establish factual causation between the operations of international courts on the one hand, and long-term processes of norm-internalization and changes in state practice on the other hand. Furthermore, as will be explained below, promoting norm-compliance may conflict with other potential goals of international courts, such as resolving disputes, developing existing law, and legitimizing international institutions. It is hard to see what normative justification would always support prioritizing norm-compliance over all other judicial goals.

Effectiveness as Attainment of the Mandate Providers' Goals

The present book seeks to introduce a sophisticated and complex theoretical model for assessing international court effectiveness, a goal-based approach, which is borrowed with some adaptations from the social science literature on organizational effectiveness. Such an approach provides us with a more open-ended vocabulary for understanding international court effectiveness than the one found in the existing international law and international relations literature. It compares actual impacts with desired outcomes, or performance with expectations, and provides us with a multidimensional framework for assessing international court effectiveness in the eyes of multiple constituencies. At the heart of the goal-based approach is the proposition that effective international courts are courts that attain, within a predefined amount of time, the goals set for them by their relevant constituencies.

My normative point of departure, in this regard, is that international courts should be particularly constrained by the expectations of one set of constituencies: the states and international organizations that create international courts, formulate their constitutive instruments, and control their operations on an ongoing

[22] See eg, Kal Raustiala and Anne-Marie Slaughter, "International Law, International Relations and Compliance" in Walter Carlsnaes, Thomas Risse, and Beth A Simmons (eds), *Handbook of International Relations* (Sage, New York 2002), 539. See generally, Oran R Young, "The Effectiveness of International Institutions: Hard Cases and Critical Variables" in James N Rosenau and Ernst-Otto Czempiel (eds), *Governance without Government: Order and Change in World Politics* (Cambridge University Press, Cambridge 1992); Jacobson and Brown Weiss (n 19).

[23] Andrew T Guzman, *How International Law Works: A Rational Choice Theory* (Oxford University Press, Oxford 2010).

basis, otherwise known as the mandate providers. Not only must international courts follow, as a matter of obligation, the legal mandate that explicitly or implicitly sets their mission and delineates their legal powers. The goal-based approach also posits that international courts ought to strive to accommodate, as a matter of good policy, the normative expectations of their mandate providers.

Why international courts should follow the law laid down in their constitutive instruments requires little explanation: regardless of the moral dimension of obedience to the law, failure to respect the legal limits set by the mandate providers would undermine the legitimacy of international courts and may lead to a legal or political backlash against them.[24] It is more difficult, however, to explain why international courts should follow mandate providers' preferences not explicitly articulated in a legal instrument (or implicitly derived therefrom). Several arguments, further developed in Part 1 of this book, can be raised in this connection.

First, the preferences of mandate providers often reflect plausible conceptions of generally shared socially desirable ends. This is especially the case where such preferences are expressed in a collective manner, ie, reflecting broad consensus amongst multiple stakeholders, and where these preferences are publicly articulated, hence bearing some likelihood of conforming to mainstream positions held by the general public about the utility of international courts. To the extent to which the mandate providers enjoy democratic legitimacy, their conceptions of socially desirable ends should also attract some deference, for it is likely to express, by and large, the will of the people.

Second, the ability of international courts to operate and generate desired influences depends to a large extent on the continued support of their work by key stakeholders, including their mandate providers. Most clearly, the ability of international courts to function may depend on the continued acceptance of their jurisdiction and the ongoing funding of their operations by the states and international organizations that comprise their mandate providers. This de facto dependency of international courts on key stakeholders has led Laurence Helfer and Anne-Marie Slaughter to speak about the "constrained independence" of international courts.[25] In practical terms, this partial dependency structure implies that it would be prudent for international courts to try to operate in ways that at least do not strongly conflict with the preferences of their mandate providers. In the same vein, international courts should seek not to frustrate the strong expectations of other important constituencies (eg, domestic judges or public opinion) that may influence the positions of the mandate providers or otherwise affect the impact of the courts and their decisions.

[24] See eg, the unhappy fate of the South African Development Community (SADC) Court, which has been suspended on account of reservations by a number of state parties about the its legal competence in the field of human rights law. Human Rights Watch, SADC: Q&A on the Tribunal: Regional Court's Future Hangs in the Balance (Human Rights Watch August 11, 2011) <http://www.hrw.org/news/2011/08/11/sadc-qa-tribunal>.

[25] Laurence R Helfer and Anne-Marie Slaughter, "Why States Create International Tribunals: A Response to Professors Posner and Yoo" (2005) 93 California L Rev 899, 942–44.

To be clear, the goals that mandate providers set for international courts may conflict with the goals other constituencies (including individual states and their citizenry) set for them; at times, mandate providers' goals are even likely to conflict with one another. As a result, it may be impossible for international courts to satisfy all of their goals all the time. Still, the goal-based approach discussed in this book offers international courts some guidance in selecting among different policy preferences. In Chapter 1 I propose a typology, which allows courts to consider goals on the basis of their source, abstraction hierarchy (classifying goals as either ultimate ends or intermediate goals that serve higher ends), and form of articulation (explicit, implicit, or unstated). Arguably, the legal nature of some of the mandate providers' goals, their compatibility with generally acceptable conceptions of socially desirable ends, and the strong dependency of international courts upon mandate providers for their successful operation creates a strong presumption in favor of prioritizing the explicit ultimate ends set by the mandate providers over other less compelling goals and less influential goal-setters.

In any event, the definition of effectiveness used in this book enables us to evaluate one important parameter of international court performance: the degree to which international courts meet the expectations of relevant constituencies (focusing, as was just explained, on the mandate providers). It does not, however, provide policymakers with sufficient data to conduct a comprehensive cost–benefit analysis of international adjudication. For that purpose, two additional evaluative investigations should take place, an investigation into the efficiency of international courts (ie, assessment of the overall impact of international courts, including the unintended consequences of their operations) and their cost-effectiveness (ie, the ratio between resource input and judicial outcomes). These complementary evaluative frameworks will be discussed in the book, though in a largely incidental manner, in order to contextualize the book's main topic, judicial effectiveness.

The Book's Contents

The present book is divided into three major parts. Part I is mostly dedicated to theory and methodology. In Part I, I lay out the goal-based effectiveness model, explain its different components, its promise and limitations, and discuss the measurement challenges it faces. I also discuss the goals of international courts, dividing them into two categories: generic and idiosyncratic.

In Part II of the book, I analyze from a goal-attainment perspective the contribution of key effectiveness variables to judicial performance, that is, features and phenomena relevant to the operation of international courts, such as jurisdiction, judicial independence, compliance, and legitimacy. The analysis in this part attempts to support theoretical arguments derived from the goal-based effectiveness model with empirical data establishing the relationship between key structural, procedural, and environmental factors, and judicial goals and outcomes. Such examples, which are by no means comprehensive in scope and nature, illustrate how a goal-based effectiveness model can provide us with improved tools

to discuss judicial effectiveness, and how to better understand important factors closely related to the exercise of judicial functions.

In Part III, I apply selected aspects of the effectiveness model to five different courts, reflecting the diversity of the field of international adjudication: the International Court of Justice (ICJ), the World Trade Organization (WTO) dispute settlement system (DSS) (panels and Appellate Body), the International Criminal Court (ICC), the European Court of Human Rights (ECtHR), and the Court of Justice of the European Union (CJEU). I have co-written the chapters in Part III with six members of my research team,[26] who have jointly worked with me on developing the goal-based approach and on applying it to specific case studies.

While the scope of a single treatise does not permit the conduct of a comprehensive review of the effectiveness of all international courts and all cross-cutting judicial features and phenomena, through this book I aspire to advance our theoretical understanding of international court effectiveness and to shed new light on the pre-existing theoretical and empirical work in the growing field of international law and international relations scholarship.

[26] For more details, see <http://www.effective-intl-adjudication.org>.