



International Law Commission

Seventieth session

New York, 30 April–1 June 2018 and Geneva,

2 July–10 August 2018

Fifth report on identification of customary international law

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Addendum

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Annex II

Identification of customary international law: revised bibliography

The subject of identification of customary international law is one on which a great deal has been written. The present bibliography, which is a revised and updated version of the bibliography at annex II to the Special Rapporteur's fourth report (A/CN.4/695/Add.1), does not seek to be exhaustive.

Part A lists writings dealing with customary international law and its identification in general, including textbooks.

Part B contains studies on particular aspects of the identification of customary international law, and broadly corresponds to issues dealt with by the Commission's conclusions on the identification of customary international law.

Part C is dedicated to studies relevant to the identification of customary international law in various fields.

A. General studies on customary international law

1. Documents

INTERNATIONAL LAW COMMISSION. Article 24 of the statute of the International Law Commission: working paper by Manley O. Hudson, Special Rapporteur (A/CN.4/16) (1950).

INTERNATIONAL LAW ASSOCIATION. Statement of principles applicable to the formation of general customary international law, with commentary: Resolution 16/2000 (Formation of General Customary International Law), adopted at the sixty-ninth Conference of the International Law Association, in London, on 29 July 2000.

INTERNATIONAL LAW COMMISSION. Formation and evidence of customary 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.4/659) (2013).

----- First report on formation and evidence of customary international law by Michael Wood, Special Rapporteur (A/CN.4/663) (2013).

----- Second report on identification of customary international law by Michael Wood, Special Rapporteur (A/CN.4/672) (2014).

----- Third report on identification of customary international law by Michael Wood, Special Rapporteur (A/CN.4/682) (2015).

----- Fourth report on identification of customary international law by Michael Wood, Special Rapporteur (A/CN.4/695) (2016).

----- The role of decisions of national courts in the case-law of international courts and tribunals of a universal character for the purpose of the determination of customary international law, Memorandum by the Secretariat (A/CN.4/691) (2016).

----- Identification of customary international law: ways and means for making the evidence of customary international law more readily available, Memorandum by the Secretariat (A/CN.4/710) (2018).

----- Fifth report on identification of customary international law by Michael Wood, Special Rapporteur (A/CN.4/717) (2018).

2. Books

- BEDERMAN, D. J. *Custom as a Source of Law*, Cambridge University Press, 2010.
- BEHAM, M. P. *State Interest and the Sources of International Law: Doctrine, Morality, and Non-Treaty Law*, Routledge, 2018.
- BRADLEY, C. A. (ed.). *Custom's Future: International Law in a Changing World*, Cambridge University Press, 2016.
- BYERS, M. *Custom, Power and the Power of Rules: International Relations and Customary International Law*, Cambridge University Press, 1999.
- CHIGARA, B. *Legitimacy Deficit in Custom: a Deconstructionist Critique*, Ashgate Dartmouth, 2001.
- D'AMATO, A. A. *The Concept of Custom in International Law*, Cornell University Press, 1971.
- DANILENKO, G. M. *Обычай в современном международном праве*, Nauka, 1988.
- DEUMIER, P. *Le droit spontané*, Economica, 2002.
- ELIAS, O. A. and C. L. Lim. *The Paradox of Consensualism in International Law*, Kluwer Law International, 1998.
- GIANNI, G. *La coutume en droit international*, Pedone, 1931.
- GÜNTHER, H. *Zur Entstehung von Völkergewohnheitsrecht*, Duncker & Humblot, 1970.
- JUNG, H.-W. *Rechtserkenntnis und Rechtsfortbildung im Völkergewohnheitsrecht. Das Verhältnis zwischen Methodik und Rechtsquellenlehre*, V&R Unipress, 2012.
- KRÜGER, H. (ed.). *Völkerrecht — Gewohnheitsrecht — Naturrecht. Referate zweier Seminare über die Problematik des Gewohnheitsrechts und seine Bedeutung als Völkerrechtsquelle*, Metzner, 1967.
- LEPARD, B. *Customary International Law: a New Theory with Practical Applications*, Cambridge University Press, 2010.
- LEPARD, B. (ed.). *Re-examining Customary International Law*, Cambridge University Press, 2017.
- LJUNZAAD, L. and Council of Europe (eds.). *The Judge and International Custom*, Brill Nijhoff, 2016.
- MATEESCO, N. *La coutume dans les cycles juridiques internationaux*, Pedone, 1947.
- MILISAVLJEVIĆ, B. *Међународно обичајно право*, Belgrade Law Faculty, 2016.
- ÖKTEM, E. *Uluslararası Teammül Hukuku*, Beta Yayınları, 2013.
- PEÑARANDA, A. *La costumbre en el derecho internacional*, Editorial de la Universidad Complutense, 1988.
- SIMMA, B. *Das Reziprozitätselement in der Entstehung des Völkergewohnheitsrechts*, Wilhelm Fink Verlag, 1970.
- STAUBACH, P. G. *The Rule of Unwritten International Law: Customary Law, General Principles, and World Order*, Routledge, 2018.
- SUR, S. *La coutume internationale*, Litec, 1990.
- SUY, E. *La coutume comme fait de production juridique*, Institut des hautes études internationales, 1965.

THIRLWAY, H. W. A. *International Customary Law and Codification: an Examination of the Continuing Role of Custom in the Present Period of Codification of International Law*, Sijthoff, 1972.

UNGER, R.-F. *Völkergewohnheitsrecht — objektives Recht oder Geflecht bilateraler Beziehungen*, Tuduv Verlagsgesellschaft, 1978.

VILLIGER, M. E. *Customary International Law and Treaties: a Manual on the Theory and Practice of the Interrelation of Sources*, 2nd ed., Kluwer Law International, 1997.

WOLFKE, K. *Custom in Present International Law*, 2nd rev. ed., Martinus Nijhoff Publishers, 1993.

ZARNESHAN, S. *شکل گیری و شناسایی حقوق بین الملل عرفی*, 2nd ed., Library of Treasure of Knowledge, 2014.

3. Sections in textbooks

ARANGIO-RUIZ, G. “Consuetudine (consuetudine internazionale)”, in P. Spirito (ed.), *Enciclopedia Giuridica*, Istituto della Enciclopedia Italiana Roma, 1988, 1–2.

BECERRA RAMÍREZ, M. *Las fuentes contemporáneas del derecho internacional*, Instituto de Investigaciones Jurídicas de la UNAM, 2017, 50–75.

BENCHIKH, M. “Coutume: norme a l'état gazeux”, in H. Ascensio, *et al.* (eds.), *Dictionnaire des idées reçues en droit international — Collectif en clin d'œil amical à Alain Pellet*, Pedone, 2017, 129–136.

BOAS, G. *Public International Law: Contemporary Principles and Perspectives*, Edward Elgar, 2012, 73–105.

BROMS, B. *Kansainvälinen oikeus*, Akateeminen Kirjakauppa, distr., 1978, 69–71.

CASTRÉN, E. *Suomen kansainvälinen oikeus*, WSOY, 1959, 5–9

ČEPELKA, Č. and P. Šturma. *Mezinárodní právo veřejné*, C. H. Beck, 2008, 97–106.

CHEN, L.-C. *An Introduction to Contemporary International Law: a Policy-Oriented Perspective*, 3rd ed., Oxford University Press, 2015, 426–430.

CLAPHAM, A. *Brierly's Law of Nations: an Introduction to the Role of Law in International Relations*, 7th ed., Oxford University Press, 2012, 57–63.

CORTEN, O. *Méthodologie du droit international public*, Université de Bruxelles, 2009, 149–177.

COUVEINES MATSUMOTO, F., *et al.* “La coutume”, in *Institut des Hautes Etudes Internationales, Grandes pages du droit international: vol II, Les sources*, Pedone, 2016, 103–245.

CRAWFORD, J. *Brownlie's Principles of Public International Law*, 8th ed., Oxford University Press, 2012, 23–34.

----- “Chance, order, change: the course of international law”, *Collected Courses of the Hague Academy of International Law*, vol. 365 (2013), 48–69.

DAHM, G., J. Delbrück and R. Wolfrum. *Völkerrecht (Band I/1)*, 2nd ed., Walter de Gruyter, 1989, 48–75.

DAILLIER, P., M. Forteau and A. Pellet. *Droit international public*, 8th ed., Librairie générale de droit et de jurisprudence, 2009, 353–379.

D'AMATO, A. *International Law Anthology*, Anderson Publishing, 1994, 51–101, 157–161.

- DANILENKO, G. M. *Law-Making in the International Community*, Martinus Nijhoff Publishers, 1993, 75–129.
- DEGAN, V. D. *Sources of International Law*, Martinus Nijhoff, 1997, 142–252.
- DIEZ DE VELASCO, M. (C. Escobar Hernández, ed.). *Instituciones de derecho internacional público*, 18th ed., Tecnos, 2012, 136–149.
- DUGARD, J. *International Law: a South African Perspective*, Juta Publishers, 2011, 26–34.
- FLEISCHER, C. A. *Folkerett*, Universitetsforlaget, 2005, 44–47.
- HAKAPÄÄ, K. *Uusi kansainvälinen oikeus*, 3rd ed., Talentum, 2010, 56–60.
- HELMERSEN, S. T. *Folkerett i et nøtteskall*, 2nd ed., Gyldendal, 2018, 42–53.
- IPSEN, K. *Völkerrecht*, 7th ed., C. H. Beck, 2018, 471–487.
- JENNINGS, R. and A. Watts (eds.). *Oppenheim's International Law*, 9th ed., Longmans, 1991, 25–31.
- KLABBERS, J. *International Law*, Cambridge University Press, 2013, 26–34.
- KOSKENNIEMI, M. *From Apology to Utopia: the Structure of International Legal Argument*, Cambridge University Press, 2005, 388–473.
- KREĆA, M. *Међународно јавно право*, 9th ed., Belgrade University, 2017, 88–95.
- LOWE, V. *International Law*, Oxford University Press, 2007, 36–63.
- LUKASHUK, I. I. *Международное право*, vol. 1, 3rd ed., Wolters Kluwer Russia, 2005, 105–113.
- MENZHINSKIY V. I. and G. M. Danilenko. “Процесс образования и действия международного обычного права”, in N. A. Ushakov (ed.), *Международное право и международный правопорядок*, Институт Государства и Права, 1981, 53–54.
- MONROY, M. *Derecho Internacional Público*, Temis, 1998, 73–76.
- MULAMBA MBUYI, B. “La coutume internationale”, in *Introduction à l'étude des sources modernes du droit international public*, Bruylant, 1999, 25–50.
- MURASE, S. *International Lawmaking: Sources of International Law*, Toshindo, 2002 (in Japanese), translated by Yihe Qin, Chinese People's Public Safety University Press, 2012, 1–92 (in Chinese).
- MURPHY, S. D. *Principles of International Law*, 2nd ed., West, 2012, 92–101.
- PARRY, C. *The Sources and Evidences of International Law*, Manchester University Press, 1965, 56–82.
- PASTOR, J. *Curso de Derecho Internacional Público y Organizaciones Internacionales*, Tecnos, 2003, 69–82.
- PAZARCI, H. *Uluslararası Hukuk*, Turhan, 2015, 104–113.
- PELLET, A. “Article 38”, in A. Zimmermann, et al. (eds.), *The Statute of the International Court of Justice: a Commentary*, 2nd ed., Oxford University Press, 2012, 748–764.
- REMIRO, A., et al. *Derecho Internacional*, Tirant Lo Blanch, 2010, 205–236.
- ROBERTS, A. and S. Sivakumaran. “The sources of international law”, in M. D. Evans (ed.), *International Law*, 5th ed., Oxford University Press, 2018, 87–118.
- SHAW, M. N. *International Law*, 7th ed., Cambridge University Press, 2014, 51–69.

SIMMA, B. and S. Wittich. “Das Völkergewohnheitsrecht”, in A. Reinisch (ed.), *Österreichisches Handbuch des Völkerrechts*, 5th ed., Manz, 2013, 32–49.

SPIERMANN, O. *Moderne folkeret*, 3rd ed., Jurist- og Økonomforbundets Forlag, 2006, 50–54.

THIRLWAY, H. *The Sources of International Law*, Oxford University Press, 2014, 53–91.

TUNKIN, G. I. “Особенности создания обычных норм международного права”, in *Курс международного права*, Nauka, 1989, 189–197.

TUNKIN, G. I. (L. N. Shestakov, ed., W. E. Butler, ed., trans.). *Theory of International Law*, Wildy, Simmonds & Hill, 2003, 121–159.

ULFSTEIN, G. and M. Ruud. *Innføring i folkerett*, 4th ed., Universitetsforlaget, 2011, 72–76.

VAN HOOFF, G. J. H. *Rethinking the Sources of International Law*, Kluwer Law International, 1983, 85–116.

WALDOCK, H. “General course on public international law”, *Collected Courses of the Hague Academy of International Law*, vol. 106 (1962), 39–53.

4. *Articles and book chapters*

ABI-SAAB, G. “La coutume dans tous ses états ou le dilemme du développement du droit international général dans un monde éclaté”, in Istituto di Diritto Internazionale e della Navigazione Genova and others (eds.), *Le droit international à l'heure de sa codification: études en l'honneur de Roberto Ago*, vol. 1, Giuffrè, 1987, 53–65.

AKEHURST, M. “Custom as a source of international law”, *British Yearbook of International Law*, vol. 47 (1975), 1–53.

ARAJÄRVI, N. “The requisite rigour in the identification of customary international law”, *International Community Law Review*, vol. 19 (2017), 9–46.

BAKER, R. B. “Customary international law in the 21st century: old challenges and new debates”, *European Journal of International Law*, vol. 21 (2010), 173–204.

----- “Customary international law: a reconceptualization”, *Brooklyn Journal of International Law*, vol. 41 (2016), 439–489.

----- “Legal recursivity and international law: rethinking the customary element”, *Dartmouth Law Journal*, vol. 14 (2016), 41–66.

BANDEIRA GALINDO, G. R. and C. Yip. “Customary international law and the Third World: do not step on the grass”, *Chinese Journal of International Law*, vol. 16 (2017), 251–270.

BARBERIS, J. A. “Es la costumbre una fuente de derecho internacional?”, *Anuario argentino de derecho internacional*, vol. 3 (1987/1989), 11–22.

----- “Réflexions sur la coutume internationale”, *Annuaire français de droit international*, vol. 36 (1990), 9–46.

----- “La coutume est-elle une source formelle du droit international?”, in *Le Droit international au service de la paix, de la justice et du développement: mélanges Michel Virally*, Pedone, 1991, 43–52.

BARBOZA, J. “The customary rule: from chrysalis to butterfly”, in C. A. Armas Barea, et al. (eds.), *Liber Amicorum “In Memoriam” of Judge José María Ruda*, Kluwer Law International, 2000, 1–14.

- BAXI, U. “Sources in the anti-formalist tradition: ‘that monster custom, who doth all sense doth eat’”, in S. Besson and J. d’Aspremont (eds.), *The Oxford Handbook of the Sources of International Law*, Oxford University Press, 2017, 225–244.
- BERNHARDT, R. “Ungeschriebenes Völkerrecht”, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, vol. 36 (1976), 50–76.
- “Customary international law: new and old problems”, *Thesaurus Acroasium: Sources on International Law*, vol. 19 (1992), 199–221.
- BESSON, S. “Community interests in the identification of international law: with a special emphasis on treaty interpretation and customary law identification”, in E. Benvenisti and G. Nolte (eds.), *Community Interests Across International Law*, Oxford University Press, 2018, 50–69.
- BLECKMANN, A. “Völkergewohnheitsrecht trotz widersprüchlicher Praxis?”, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, vol. 36 (1976), 374–406.
- “Zur Feststellung und Auslegung von Völkergewohnheitsrecht”, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, vol. 37 (1977), 504–529.
- BLUTMAN, L. “Conceptual confusion and methodological deficiencies: some ways that theories on customary international law fail”, *European Journal of International Law*, vol. 25 (2014), 529–552.
- BODANSKY, D. “Prologue to a theory of non-treaty norms”, in M. H. Arsanjani, *et al.* (eds.), *Looking to the Future: Essays on International Law in Honor of W. Michael Reisman*, Martinus Nijhoff, 2011, 119–134.
- BOKOR-SZEGÖ, H. “Le rôle du droit coutumier dans le droit international contemporain”, *Acta Juridica Academiae Scientiarum Hungaricae*, vol. 15 (1973), 299–318.
- BOS, M. “The identification of custom in international law”, *German Yearbook of International Law*, vol. 25 (1982), 9–53.
- BRANT, L. N. C. and B. de Oliveira Biazatti. “A formação do costume internacional na atualidade”, *Anuário Brasileiro de Direito Internacional*, vol. 11 (2016), 165–194.
- BÜHLER, T. “La coutume en droit international”, in *Recueils de la Société Jean Bodin pour l’histoire comparative des institutions*, vol. 54, De Boeck-Wesmael, 1989, 13–42.
- BYERS, M. “Custom, power, and the power of rules: customary international law from an interdisciplinary perspective”, *Michigan Journal of International Law*, vol. 17 (1995), 109–180.
- “Power, obligation, and customary international law”, *Duke Journal of Comparative & International Law*, vol. 11 (2001), 81–88.
- CABRANES, J. A. “Customary international law: what it is and what it is not”, *Duke Journal of Comparative & International Law*, vol. 22 (2011), 143–152.
- CAHIER, P. “Rapport général”, in *La codification du droit international: Colloque d’Aix-en-Provence*, Pedone, 1999, 253–280.
- CANCADO TRINDADE, A. A. “Some thoughts on contemporary international law-making and customary international law”, in *El desarrollo progresivo del derecho internacional: aportaciones de organizaciones, tribunales y parlamentos internacionales*, Consejo de Estudios Internacionales Avanzados, 1991, 219–230.
- CHARLESWORTH, H. “The unbearable lightness of customary international law”, *ASIL Proceedings*, vol. 92 (1998), 44–47.
- CHARNEY, J. I. “Customary international law in the *Nicaragua* case judgment on the merits”, *Hague Yearbook of International Law*, vol. 1 (1988), 16–29.

- . “Universal international law”, *American Journal of International Law*, vol. 87 (1993), 529–551.
- . “Remarks on the contemporary role of customary international law”, in W. P. Heere (ed.), *Contemporary International Law Issues: Conflicts and Convergence, Proceedings of the Third Joint Conference of the ASIL and the NVIR*, TMC Asser Instituut, 1996, 17–39.
- CHARPENTIER, J. “Tendances de l’élaboration du droit international public coutumier”, in *L’élaboration du droit international public*, Pedone, 1975, 105–131.
- CHAUMONT, C. “Méthode d’analyse du droit international”, *Revue belge de droit international*, vol. 11 (1975), 33–37.
- CHENG, B. “Custom: the future of general state practice in a divided world”, in R. St. J. Macdonald and D. M. Johnston (eds.), *The Structure and Process of International Law: Essays in Legal Philosophy Doctrine and Theory*, Martinus Nijhoff Publishers, 1983, 513–554.
- . “Some remarks on the constituent element(s) of general (or so-called customary) international law”, in A. Anghie and G. Sturgess (eds.), *Legal Visions of the 21st Century: Essays in Honour of Judge Christopher Weeramantry*, Kluwer Law International, 1998, 377–390.
- CHIMNI, B. S. “Customary international law: a Third World perspective”, *American Journal of International Law*, vol. 112 (2018), 1–46.
- CHODOSH, H. E. “Neither treaty nor custom: the emergence of declarative international law”, *Texas International Law Journal*, vol. 26 (1991), 87–124.
- CHUNG, J. J. “Customary international law as explained by status instead of contract”, *North Carolina Journal of International Law and Commercial Regulation*, vol. 37 (2012), 609–664.
- COHEN, H. G. “Finding international law: rethinking the doctrine of sources”, *Iowa Law Review*, vol. 93 (2007), 65–129.
- CONDORELLI, L. “Consuetudine internazionale”, in *Digesto delle discipline pubblicistiche*, vol. 4, UTET, 1989, 1–48.
- . “La coutume”, in M. Bedjaoui (ed.), *Droit international: bilan et perspectives*, Pedone, 1991, 187–221.
- . “Customary international law: the yesterday, today, and tomorrow of general international law”, in A. Cassese (ed.), *Realizing Utopia: the Future of International Law*, Oxford University Press, 2012, 147–157.
- CRAWFORD, J. R. “The identification and development of customary international law”, Keynote speech at ILA British Branch Spring Conference (May 2014).
- CROTOF, R. “Constitutional convergence and customary international law”, *Harvard International Law Journal Online*, vol. 54 (2013), 195–203.
- D’AMATO, A. A. “Wanted: a comprehensive theory of custom in international law”, *Texas International Law Forum*, vol. 4 (1968), 28–41.
- . “Trashing customary international law”, *American Journal of International Law*, vol. 81 (1987), 101–105.
- . “Customary international law: a reformulation”, *International Legal Theory*, vol. 4 (1998), 1–6.
- DANILENKO, G. M. “The theory of international customary law”, *German Yearbook of International Law*, vol. 31 (1988), 9–47.

- D'ASPREMONT, J. "The decay of modern customary international law in spite of scholarly heroism", in G. Ziccardi Capaldo (ed.), *The Global Community: Yearbook of International Law and Jurisprudence 2015*, Oxford University Press, 2016, 9–29.
- DEGAN, V. D. "Customary process in international law", *Finnish Yearbook of International Law*, vol. 1 (1990), 1–89.
- DODGE, W. S. "Customary international law and the question of legitimacy", *Harvard Law Review Forum*, vol. 120 (2007), 19–27.
- ĐORĐEVIĆ, S. "Обичај као извор међународног права", *Belgrade Law Review*, vol. 6 (1995), 625–642.
- DUNBAR, N. C. H. "The myth of customary international law", *Australian Yearbook of International Law*, vol. 8 (1978–1980), 1–19.
- DUPUY, P.-M. "Théorie des sources et coutume en droit international contemporain", in M. Rama-Montaldo (ed.), *El derecho internacional en un mundo en transformación: Liber amicorum en homenaje al profesor Eduardo Jiménez de Aréchaga*, vol. I, Fundación de cultura Universitaria, 1995, 51–68.
- DUPUY, R.-J. "Coutume sage et coutume sauvage", in R. Ago, *et al.* (eds.), *La communauté internationale: mélanges offerts à Charles Rousseau*, Pedone, 1974, 75–87.
- "Droit déclaratoire et droit programmatore: de la coutume sauvage à la 'soft law'", in *L'élaboration du droit international public*, Pedone, 1975, 132–148.
- ELIAS, O. and C. Lim. "Some tentative epistemological claims concerning the basis of customary international law", *Cambrian Law Review*, vol. 25 (1994), 103–125.
- ERICKSON, R. J. "Soviet theory of the legal nature of customary international law", *Case Western Reserve Journal of International Law*, vol. 7 (1975), 148–168.
- ESTREICHER, S. "Rethinking the binding effect of customary international law", *Virginia Journal of International Law*, vol. 44 (2003), 5–17.
- FIDLER, D. P. "Challenging the classical concept of custom: perspectives on the future of customary international law", *German Yearbook of International Law*, vol. 31 (1996), 198–248.
- FITZMAURICE, M. "Customary law, general principles, unilateral acts", in E. Sobenes Obregon and B. Samson (eds.), *Nicaragua Before the International Court of Justice: Impacts on International Law*, Springer, 2017, 247–267.
- FON, V. and F. Parisi. "International customary law and articulation theories: an economic analysis", *International Law & Management Review*, vol. 2 (2006), 201–232.
- GOLDSMITH, J. L. and E. A. Posner. "Notes toward a theory of customary international law", *ASIL Proceedings*, vol. 92 (1998), 53–57.
- "A theory of customary international law", *University of Chicago Law Review*, vol. 66 (1999), 1113–1177.
- "Understanding the resemblance between modern and traditional customary international law", *Virginia Journal of International Law*, vol. 40 (2000), 639–672.
- "Further thoughts on customary international law", *Michigan Journal of International Law*, vol. 23 (2001), 191–200.
- GOLOVE, D. M. "Leaving customary international law where it is: Goldsmith and Posner's *The Limits of International Law*", *Georgia Journal of International & Comparative Law*, vol. 34 (2006), 333–377.

- GRADONI, L. “Consuetudine internazionale e caso inconsueto”, *Rivista di diritto internazionale*, vol. 95 (2012), 704–720.
- “La Commissione del diritto internazionale riflette sulla rilevanza della consuetudine”, *Rivista di diritto internazionale*, vol. 97 (2014), 667–698.
- GUGGENHEIM, P. “Les deux éléments de la coutume en droit international”, in C. Rousseau (ed.), *La Technique et les principes du droit public: études en l’honneur de Georges Scelle*, Librairie générale de droit et de jurisprudence, 1950, 275–284.
- GUZMAN, A. T. “Saving customary international law”, *Michigan Journal of International Law*, vol. 27 (2005), 115–176.
- and T. L. Meyer. “Customary international law in the 21st century”, in R. Miller and R. M. Bratspeis (eds.), *Progress in International Law*, Brill, 2008, 197–217.
- and Hsiang, J. “Some ways that theories on customary international law fail: a reply to László Blutzman”, *European Journal of International Law*, vol. 25 (2014), 553–559.
- GUZMÁN BRITO, A. “El fundamento de validez de la costumbre como fuente de derecho”, *Revista Chilena de Derecho*, vol. 22 (1995), 623–628.
- HELPER, L. R. and I. B. Wuerth. “Customary international law: an instrument choice perspective”, *Michigan Journal of International Law*, vol. 37 (2016), 563–609.
- HWANG, J. “A sense and sensibility of legal obligation: customary international law and game theory”, *Temple International and Comparative Law Journal*, vol. 20 (2006), 111–131.
- JIMÉNEZ DE ARÉCHAGA, E. “La costumbre como fuente del derecho internacional”, *Estudios de Derecho Internacional: Homenaje al Professor Miaja de la Muella*, vol. 1, Tecnos, 1979, 375–402.
- “Custom”, in A. Cassese and J. H. H. Weiler (eds.), *Change and Stability in International Law-Making*, Walter de Gruyter, 1988, 1–4.
- KAMMERHOFER, J. “Uncertainty in the formal sources of international law: customary international law and some of its problems”, *European Journal of International Law*, vol. 15 (2004), 523–553.
- KELLY, J. P. “The twilight of customary international law”, *Virginia Journal of International Law*, vol. 40 (2000), 449–543.
- KELSEN, H. “Théorie du droit international coutumier”, *Revue internationale de la théorie du droit*, vol. 1 (1939), 253–274.
- KIRCHMAIR, L. “What came first: the obligation or the belief? A renaissance of consensus theory to make the normative foundations of customary international law more tangible”, *German Yearbook of International Law*, vol. 59 (2016), 289–319.
- KIRGIS, F. L. “Custom on a sliding scale”, *American Journal of International Law*, vol. 81 (1987), 146–151.
- KLABBERS, J. “The curious condition of custom”, *International Legal Theory*, vol. 8 (2002), 29–39.
- KOLB, R. “Selected problems in the theory of customary international law”, *Netherlands International Law Review*, vol. 50 (2003), 119–150.
- “La *clausula rebus sic stantibus* s’applique-t-elle aussi au droit international coutumier?”, *Revue générale de droit international public*, vol. 115 (2011), 711–718.

- ". "Nullité, inapplicabilité ou inexistence d'une norme coutumière contraire au *jus cogens* universel?", *Revue générale de droit international public*, vol. 117 (2013), 281–298.
- ". "Réflexions sur le droit international coutumier: des pratiques et des *opinionones juris* légitimes plutôt que simplement effectives?", in *Liber Amicorum en l'honneur de Serge Sur*, Pedone, 2014, 93–108.
- KONTOROVICH, E. "Inefficient customs in international law", *William and Mary Law Review*, vol. 48 (2006), 859–922.
- KOPELMANAS, L. "Custom as a means of the creation of international law", *British Yearbook of International Law*, vol. 18 (1937), 127–151.
- KOSKENNIEMI, M. "The normative force of habit: international custom and social theory", *Finnish Yearbook of International Law*, vol. 1 (1990), 77–153.
- KUNZ, J. L. "The nature of customary international law", *American Journal of International Law*, vol. 47 (1953), 662–669.
- LAZAREV, M. J. "International legal custom at a contemporary stage", *Indian Journal of International Law*, vol. 19 (1979), 511–514.
- LIM, C. L. and O. Elias. "Withdrawing from custom and the paradox of consensualism in international law", *Duke Journal of Comparative & International Law*, vol. 21 (2010), 143–156.
- LOBO DE SOUZA, I. M. "The role of state consent in the customary process", *International and Comparative Law Quarterly*, vol. 44 (1995), 521–539.
- LUKASHUK, I. I. "Customary norms in contemporary international law", in J. Makarczyk (ed.), *Theory of International Law at the Threshold of the 21st Century*, Kluwer Law International, 1996, 488–508.
- MALENOVSKÝ, J. "Evolution des opinions doctrinales sur la coutume internationale dans les pays socialistes", *Revue belge de droit international*, vol. 22 (1989), 307–338.
- ". "Evolution of opinions on international custom in Czechoslovak theory of international law", *Nordic Journal of International Law*, vol. 59 (1990), 235–246.
- MALUWA, T. "Custom, authority and law: some jurisprudential perspectives on the theory of customary international law", *African Journal of International and Comparative Law*, vol. 6 (1994), 387–410.
- MAXIM, F. "Customary international law — a current concern of the international society", *Conferinta Internationala de Drept*, vol. 2015 (2015), 596–604.
- MCGINNIS, J. O. "The comparative disadvantage of customary international law", *Harvard Journal of Law & Public Policy*, vol. 30 (2006), 7–14.
- MEIJERS, H. "How is international law made? — the stages of growth of international law and the use of its customary rules", *Netherlands Yearbook of International Law*, vol. 9 (1978), 3–26.
- ". "On international customary law in the Netherlands", in I. F. Dekker and H. H. G. Post (eds.), *On the Foundations and Sources of International Law*, T.M.C. Asser Press, 2003, 77–129.
- MENDELSON, M. H. "The formation of customary international law", *Collected Courses of the Hague Academy of International Law*, vol. 272 (1998), 155–410.
- MEYER, T. L. "Codifying custom", *University of Pennsylvania Law Review*, vol. 160 (2012), 995–1069.

- MILISAVLJEVIĆ, B. “Renesansa običaja u međunarodnom pravu”, *Harmonius — Journal of Legal and Social Studies in South East Europe* (2014), 214–225.
- and B. Čučković. “Identification of custom in international law”, *Annals of the Faculty of Law in Belgrade*, vol. 62 (2014), 31–51.
- MOCA, G. “La notion et l’importance de la coutume internationale dans le processus d’instauration de nouvelles relations entre les Etats”, *Revue roumaine d’études internationales*, vol. 9 (1975), 237–246.
- MOHAMAD, R. “Some reflections on the International Law Commission topic ‘Identification of customary international law’”, *Chinese Journal of International Law*, vol. 15 (2016), 41–46.
- MOUTTAKI, S. K. “Coutume internationale: sujets de droit, consentement et formation de la norme coutumière”, *Ottawa Law Review*, vol. 35 (2003), 255–275.
- MULLER, T. “Customary transnational law: attacking the last resort of state sovereignty — Conference on Democracy and the Transnational Private Sector”, *Indiana Journal of Global Legal Studies*, vol. 15 (2008), 19–47.
- MÜLLERSON, R. “On the nature and scope of customary international law”, *Austrian Review of International & European Law*, vol. 2 (1997), 341–360.
- “The interplay of objective and subjective elements in customary law”, in K. Wellens (ed.), *International Law: Theory and Practice — Essays in Honour of Eric Suy*, Martinus Nijhoff Publishers, 1998, 161–178.
- NOH, Y.-D. “국제관습법의 성립에 관한 연구”, *Inchon Law Review*, vol. 1 (1998), 1–24.
- NORMAN, G. and J. P. Trachtman. “The customary international law game”, *American Journal of International Law*, vol. 99 (2005), 541–580.
- OETER, S. “The legitimacy of customary international law”, in T. Eger, *et al.* (eds.), *Economic Analysis of International Law: Contributions to the XIIIth Travemünde Symposium on the Economic Analysis of Law (March 29-31, 2012)*, Mohr Siebeck, 2014, 1–22.
- ORAKHELASHVILI, A. “Customary law and inherent rules”, in *The Interpretation of Acts and Rules in Public International Law*, Oxford University Press, 2008, 70–101.
- ORREGO VICUÑA, F. “Customary international law in a global community: tailor made?”, *Estudios Internacionales*, vol. 148 (2005), 21–38.
- PARISI, F. and D. Pi. “The emergence and evolution of customary international law”, in E. Kontorovich and F. Parisi (eds.), *Economic Analysis of International Law*, Edward Elgar, 2016, 155–177.
- PARK, P.-K. “Change of customary international law”, *Korean Journal of International Law*, vol. 43 (1998), 97–111 (in Korean).
- PAULUS, A. “The judge and international custom”, *Law and Practice of International Courts and Tribunals*, vol. 12 (2013), 253–265.
- PEARCE, J. P. “Customary international law: not merely fiction or myth”, *Australian International Law Journal*, vol. 2003 (2003), 125–140.
- PETERSEN, N. “Customary law without custom? Rules, principles, and the role of state practice in international norm creation”, *American University International Law Review*, vol. 23 (2008), 275–310.
- “Der Wandel des ungeschriebenen Völkerrechts im Zuge der Konstitutionalisierung”, *Archiv des Völkerrechts*, vol. 46 (2008), 502–523.

- POSNER, E. A. and A. O. Sykes. “Customary international law”, in L. Bernstein and F. Parisi (eds.), *Customary Law and Economics*, Edward Elgar, 2014, 451–464.
- POSTEMA, G. J. “Custom in international law: a normative practice account”, in A. Perreau-Saussine and J. B. Murphy (eds.), *The Nature of Customary Law: Legal, Historical and Philosophical Perspectives*, Cambridge University Press, 2007, 279–306.
- . “Custom, normative practice, and the law”, *Duke Law Journal*, vol. 62 (2012), 707–738.
- RAESTAD, A. “Sedvanerett og Almindelige Grunnsetninger i Folkeretten”, *Nordisk Tidsskrift International Ret*, vol. 4 (1933), 3–29.
- RAMA RAO, T. S. “International custom”, *Indian Journal of International Law*, vol. 19 (1979), 515–521.
- REISMAN, W. M. “The cult of custom in the late 20th century”, *California Western International Law Journal*, vol. 17 (1987), 133–145.
- ROBERTS, A. E. “Traditional and modern approaches to customary international law: a reconciliation”, *American Journal of International Law*, vol. 95 (2001), 757–791.
- . “Who killed Article 38(1)(b)? A reply to Bradley and Gulati”, *Duke Journal of Comparative & International Law*, vol. 21 (2010), 173–190.
- RYNGAERT, C. M. J. and D. W. Hora Siccama. “Ascertaining customary international law: an inquiry into the methods used by domestic courts”, *Netherlands International Law Review*, vol. 65 (2018), 1–25.
- SCHACHTER, O. “New custom: power, *opinio juris* and contrary practice”, in J. Makarczyk (ed.), *Theory of International Law at the Threshold of the 21st Century: Essays in Honour of Krzysztof Skubiszewski*, Kluwer Law International, 1996, 531–540.
- SCHAUER, F. “The jurisprudence of custom”, *Texas International Law Journal*, vol. 48 (2013), 523–534.
- SCHWEISFURTH, T. “Das Völkergewohnheitsrecht — verstärkt im Blickfeld der sowjetischen Völkerrechtslehre”, *German Yearbook of International Law*, vol. 30 (1987), 36–77.
- SCOVILLE, R. M. “Finding customary international law”, *Iowa Law Review*, vol. 101 (2016), 1893–1948.
- SÉFÉRIADÈS, S. “Aperçu sur la coutume juridique internationale et notamment sur son fondement”, *Revue générale de droit international public*, vol. 43 (1936), 129–196.
- SEIBERT-FOHR, A. “Modern concepts of customary international law as a manifestation of a value-based international order”, in A. Zimmermann and R. Hofmann (eds.), *Unity and Diversity in International Law*, Duncker & Humblot, 2006, 257–283.
- SENDER, O. and M. Wood. “The emergence of customary international law: between theory and practice”, in Y. Radi and C. Brölmann (eds.), *Research Handbook on the Theory and Practice of International Law-Making*, Edward Elgar, 2016, 133–159.
- . “Custom’s bright future: the continuing importance of customary international law”, in C. A. Bradley (ed.), *Custom’s Future: International Law in a Changing World*, Cambridge University Press, 2016, 360–369.

------. “A mystery no longer? *Opinio juris* and other theoretical controversies associated with customary international law”, *Israel Law Review*, vol. 50 (2017), 299–330.

SIMMA, B. “Die Erzeugung ungeschriebenen Völkerrechts”, in K. Ginther, *et al.* (eds.), *Völkerrecht zwischen normativem Anspruch und politischer Realität. Festschrift für Karl Zemanek zum 65. Geburtstag*, Duncker & Humblot, 1994, 95–114.

SOBRINO, J. and M. Abad. “Reflexiones sobre la formación del derecho internacional en un escenario mudable”, *Anuario Español de Derecho Internacional*, vol. 17 (2001), 195–238.

STEIN, T. “Völkergewohnheitsrecht vor dem Gerichtshof der Europäischen Union — nur, wenn es passt?”, in G. Jochum, W. Fritzemeyer and M. Kau (eds.), *Grenzüberschreitendes Recht — Crossing Frontiers. Festschrift für Kay Hailbronner*, Müller, 2013, 517–529.

STERN, B. “Custom at the heart of international law”, *Duke Journal of Comparative & International Law*, vol. 11 (2001), 89–108.

ŠTURMA, P. “Mezinárodní obyčej v současném mezinárodním právu”, *Aktuálne problémy medzinárodného práva*, Univerzita Komenského, 2007, 72–81.

SUR, S., “La coutume internationale — sa vie, son œuvre”, *Droits*, vol. 3 (1986), 111–124.

------. “Sources du droit international: la coutume”, *JurisClasseur Droit international*, Fascicule No. 13 (1989).

------. “International custom: its life, its craft”, in *International Law, Power, Security and Justice*, Hart Publishing, 2010, 165–177.

SWAINE, E. T. “Rational custom”, *Duke Law Journal*, vol. 52 (2002), 559–627.

SZUREK, S. “L’étude sur le droit international coutumier: ‘les voies d’une normativité en action’”, in J. Akandji-Kombé (ed.), *L’homme dans la société internationale: mélanges en hommage au Professeur Paul Tavernier*, Bruylant, 2013, 1447–1464.

TAMS, C. J. “Die Identifikation des Völkergewohnheitsrechts”, in N. Dethloff, *et al.* (eds.), *Freiheit und Regulierung in der Cyberwelt: Rechtsidentifikation zwischen Quelle und Gericht*, C. F. Müller, 2016, 323–371.

TASIOULAS, J. “Customary international law and the quest for global justice”, in A. Perreau-Saussine and J. B. Murphy (eds.), *The Nature of Customary Law: Legal, Historical and Philosophical Perspectives*, Cambridge University Press, 2007, 307–335.

TESÓN, F. R. “Falsa costumbre”, *Revista Latinoamericana de Derecho Internacional*, vol. 3 (2015), 1–20.

THÉVENAZ, A. “À propos de la coutume”, in S. Engel and R. A. Métall (eds.), *Law, State and International Legal Order — Essays in Honor of Hans Kelsen*, University of Tennessee Press, 1964, 318–327.

TIRSKICH, M. G. and L. Y. Chernyak. “Международно-правовой обычай: понятие и признаки”, *Сибирский юридический вестник*, vol. 2 (2014), 89–97.

TOMUSCHAT, C. “La cristallisation coutumière”, in H. Ascensio, *et al.* (eds.), *Droit international pénal*, 2nd ed., Pedone, 2012, 37–49.

TREVES, T. “Customary international law”, in R. Wolfrum (ed.), *Max Planck Encyclopedia of Public International Law*, Oxford University Press, 2012.

- TUNKIN, G. I. “Remarks on the juridical nature of customary norms of international law”, *California Law Review*, vol. 49 (1961), 419–430.
- . “Is general international law customary law only?”, *European Journal of International Law*, vol. 4 (1993), 534–541.
- TZEVELEKOS, V. P. “Introductory note: beyond the identification of international customary rules”, *International Community Law Review*, vol. 19 (2017), 1–8.
- VAGTS, D. F. “International relations look at customary international law: a traditionalist’s defence”, *European Journal of International Law*, vol. 15 (2004), 1031–1040.
- VENKATA RAMAN, K. “Toward a general theory of international customary law”, in W. M. Reisman and B. H. Weston (eds.), *Toward World Order and Human Dignity: Essays in Honor of Myres S. McDougal*, Free Press, 1976, 365–402.
- VERDIER, P.-H. and E. Voeten. “Precedent, compliance, and change in customary international law: an explanatory theory”, *American Journal of International Law*, vol. 108 (2014), 389–434.
- VERDROSS, A. “Entstehungsweisen und Geltungsgrund des universellen völkerrechtlichen Gewohnheitsrechts”, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, vol. 29 (1969), 635–653.
- VIO GROSSI, E. “Customary international law in the case law of the Inter-American Court of Human Rights”/“Le droit international coutumier dans la jurisprudence de la Cour interaméricaine des droits de l’homme”, in L. Lijnzaad and Council of Europe (eds.), *The Judge and International Custom*, Brill Nijhoff, 2016, 83–100.
- VOYIAKIS, E. “Customary international law and the place of normative considerations”, *American Journal of Jurisprudence*, vol. 55 (2010), 163–200.
- . “A disaggregative view of customary international law-making”, *Leiden Journal of International Law*, vol. 29 (2016), 365–388.
- VYLEGZHANIN, A. N. and R. A. Kalamkarian. “Международный обычай как основной источник международного права”, *Государство и право*, vol. 6 (2012), 78–89.
- WALDEN, R. M. “Customary international law: a jurisprudential analysis”, *Israel Law Review*, vol. 13 (1978), 86–102.
- WEIL, P. “Towards relative normativity in international law?”, *American Journal of International Law*, vol. 77 (1983), 413–442.
- WOLFKE, K. “Some persistent controversies regarding customary international law”, *Netherlands Yearbook of International Law*, vol. 24 (1993), 1–16.
- WOLFRUM, R. “Sources of international law”, in *Max Planck Encyclopedia of Public International Law*, Oxford University Press, 2012.
- WOOD, M. “The present position within the ILC on the topic ‘Identification of customary international law’: in partial response to Sienho Yee, Report on the ILC project on ‘Identification of customary international law’”, *Chinese Journal of International Law*, vol. 15 (2016), 3–15.
- . “The UN International Law Commission and customary international law”, Gaetano Morelli Lecture (2017), available from www.scienze giuridiche.uniroma1.it/sites/default/files/varie/GML/2017/GML_2017-Wood.pdf.
- WORSTER, W. T. “The transformation of quantity into quality: critical mass in the formation of customary international law”, *Boston University International Law Journal*, vol. 31 (2013), 1–78.

------. “The inductive and deductive methods in customary international law analysis: traditional and modern approaches”, *Georgetown Journal of International Law*, vol. 45 (2014), 445–521.

YEE, S. “Report on the ILC project on ‘Identification of customary international law’”, *Chinese Journal of International Law*, vol. 14 (2015), 375–398.

------. “A reply to Sir Michael Wood’s response to AALCOIEG’s work and my report on the ILC project on identification of customary international law”, *Chinese Journal of International Law*, vol. 15 (2016), 33–40.

5. *Audiovisual lectures*

MENDELSON, M. “Customary international law”, United Nations Audiovisual Library of International Law, available from http://legal.un.org/avl/lis/Mendelson_IL.html.

B. **Studies on particular aspects of customary international law**

1. *State practice*

AVIV YEINI, S. “The specially-affecting States doctrine”, *American Journal of International Law*, vol. 112 (2018), 244–253.

BLECKMANN, A. “Die Praxis des Völkergewohnheitsrechts als konsekutive Rechtsetzung”, in R. Bernhardt, *et al.* (eds.), *Völkerrecht als Rechtsordnung: Internationale Gerichtsbarkeit. Menschenrechte. Festschrift für Hermann Mosler*, Springer, 1983, 89–110.

BOISSON DE CHAZOURNES, L. “Qu’est-ce que la pratique en droit international?”, in *La pratique et le droit international: Colloque de Genève*, Pedone, 2004, 13–47.

BROWNLIE, I. “Some problems in the evaluation of the practice of States as an element of custom”, in *Studi di diritto internazionale in onore di Gaetano Arangio Ruiz*, vol. I, Editoriale Scientifica, 2004, 313–318.

CARTY, A. “Distance and contemporaneity in exploring the practice of States: the British archives in relation to the 1957 Oman and Muscat incident”, *Singapore Year Book of International Law*, vol. 9 (2005), 75–85.

------. “Doctrine versus state practice”, in B. Fassbender and A. Peters (eds.), *The Oxford Handbook of the History of International Law*, Oxford University Press, 2012, 972–996.

FERRARI BRAVO, L. “Méthodes de recherche de la coutume internationale dans la pratique des États”, *Collected Courses of the Hague Academy of International Law*, vol. 192 (1985), 233–330.

GAEBLER, R. F. and A. A. Shea. *Sources of State Practice in International Law*, 2nd ed., Martinus Nijhoff, 2014.

HELLER, K. J. “Specially-affected States and the formation of custom”, *American Journal of International Law*, vol. 112 (2018), 191–243.

MENDELSON, M. “State acts and omissions as explicit or implicit claims”, in *Le droit international au service de la paix, de la justice et du développement: mélanges Michel Virally*, Pedone, 1991, 373–382.

PARRY, C. “The practice of States”, *Transactions of the Grotius Society*, vol. 44 (1958), 145–186.

PRAKASH SINHA, S. “New nations and the international custom”, *William and Mary Law Review*, vol. 9 (1968), 788–803.

SCHWEITZER, M. *Das Völkergewohnheitsrecht und seine Geltung für neuentstehende Staaten*, Verlag Gehlen, 1969.

WEISBURD, A. M. “The International Court of Justice and the concept of state practice”, *University of Pennsylvania Journal of International Law*, vol. 31 (2009), 295–372.

WOOD, M. and O. Sender. “State practice”, in R. Wolfrum (ed.), *Max Planck Encyclopedia of Public International Law*, Oxford University Press, 2014.

ZEMANEK, K. “What is ‘state practice’ and who makes it?”, in U. Beyerlin, *et al.* (eds.), *Recht zwischen Umbruch und Bewahrung. Völkerrecht, Europarecht, Staatsrecht: Festschrift für Rudolf Bernhardt*, Springer-Verlag, 1995, 289–306.

2. *International organizations and customary international law*

ALVAREZ, J. E. *International Organizations as Law-makers*, Oxford University Press, 2005.

------. *The Impact of International Organizations on International Law*, Brill Nijhoff, 2017.

BLOKKER, N. “International organizations and customary international law: is the International Law Commission taking international organizations seriously?”, *International Organizations Law Review*, vol. 14 (2017), 1–12.

CAHIN, G. *La coutume internationale et les organisations internationales: l’incidence de la dimension institutionnelle sur le processus coutumier*, Pedone, 2001.

DAMM, C. *Die Europäische Union im universellen Völkergewohnheitsrecht*, Mohr Siebeck, 2016.

DAUGIRDAS, K. “International organizations and the creation of customary international law”, University of Michigan Public Law Research Paper No. 597 (10 April 2018), available from <https://ssrn.com/abstract=3160229> or <http://dx.doi.org/10.2139/ssrn.3160229>.

DEBARTOLO, D. M. “Identifying international organizations’ contributions to custom”, *AJIL Unbound* (23 December 2014), available from www.asil.org/blogs/identifying-international-organizations%E2%80%99-contributions-custom.

FORTEAU, M. “La contribution de l’Union européenne au développement du droit international général. Les limites du particularisme?”, *Journal du Droit international*, vol. 3 (2010), 888–900.

FOX, G. H., K. E. Boon and I. Jenkins. “The United Nations Security Council and the law of non-international armed conflict: new evidence of customary international law”, *American University Law Review*, vol. 67 (2018), 649–731.

FRY, J. D. “Formation of customary international law through consensus in international organizations”, *Austrian Review of International and European Law*, vol. 17 (2012), 49–82.

HANNIKAINEN, L. “Kansainvälisten järjestöjen lisääntyvä rooli tapaoikeuden luomisessa”, in T. Koivurova (ed.), *Kansainvälistyvä oikeus: juhlakirja: professori Kari Hakapää*, Lapin yliopisto, 2005, 27–38.

------. “The collective factor as a promoter of customary international law”, *Baltic Yearbook of International Law*, vol. 6 (2006), 125–141.

HIGGINS, R. *The Development of International Law Through the Political Organs of the United Nations*, Oxford University Press, 1963.

----- . “The United Nations and lawmaking: the political organs”, *ASIL Proceedings*, vol. 64 (1970), 37–48.

HOFFMEISTER, F. “Die Bindung der Europäischen Gemeinschaft an das Völkergewohnheitsrecht der Verträge. Zugleich eine Besprechung des EuGH-Urteils vom 16.6.1998 — Rs. C-162/96, EWS 1998, 387”, *Europäisches Wirtschafts- und Steuerrecht*, vol. 9 (1998), 365–371.

----- . “The contribution of EU practice to international law”, in M. Cremona (ed.), *Developments in EU External Relations Law*, Oxford University Press, 2008, 37–127.

JOHNSTONE, I. “Law-making through the operational activities of international organizations”, *George Washington International Law Review*, vol. 40 (2008), 87–122.

KLABBERS, J. “International organizations in the formation of customary international law”, in E. Cannizzaro and P. Palchetti (eds.), *Customary International Law on the Use of Force*, Martinus Nijhoff, 2005) 179–195.

MALENOVSKÝ, J. “The judge and international custom: perspective of the European Union and its Court of Justice”/“Le juge et la coutume internationale: perspective de l’Union européenne et de la Cour de justice”, in L. Lijnzaad and Council of Europe (eds.), *The Judge and International Custom*, Brill Nijhoff, 2016, 46–72.

MANTON, E. “Die menschliche Dimension der OSZE und die Herausbildung von Völkergewohnheitsrecht”, *OSZE-Jahrbuch*, vol. 11 (2005), 217–240.

MATHIAS, S. “The work of the International Law Commission on identification of customary international law: a view from the perspective of the Office of Legal Affairs”, *Chinese Journal of International Law*, vol. 15 (2016), 17–31.

ODERMATT, J. “The development of customary international law by international organizations”, *International and Comparative Law Quarterly*, vol. 66 (2017), 491–511.

OLLIVIER, A. “La participation de l’Union européenne à la formation de la coutume et des principes généraux de droit”, in M. Benlolo-Carabot, U. Candas and E. Cujo (eds.), *Union européenne et droit international: En l’honneur de Patrick Daillier*, Pedone, 2012, 300–324.

REINISCH, A. “Sources of international organizations’ law: why custom and general principles are crucial”, in S. Besson and J. d’Aspremont (eds.), *The Oxford Handbook of the Sources of International Law*, Oxford University Press, 2017, 1007–1024.

SCHACHTER, O. “The development of international law through the legal opinions of the United Nations Secretariat”, *British Yearbook of International Law*, vol. 25 (1948), 91–132.

SKUBISZEWSKI, K. “Forms of participation of international organizations in the lawmaking processes”, *International Organization*, vol. 18 (1964), 790–805.

VANHAMME, J. “Formation and enforcement of customary international law: the European Union’s contribution”, *Netherlands Yearbook of International Law*, vol. 39 (2008), 127–154.

VIGNES, D. “The impact of international organizations on the development and application of public international law”, in R. St. John Macdonald and D. M. Johnston (eds.), *The Structure and Process of International Law: Essays in Legal Philosophy Doctrine and Theory*, Martinus Nijhoff, 1983, 809–855.

WOOD, M. “International organizations and customary international law”, *Vanderbilt Journal of Transnational Law*, vol. 48 (2015), 609–620.

WOUTERS, J. and P. De Man. “International organizations as law-makers”, in J. Klabbers and A. Wallendahl (eds.), *Research Handbook on the Law of International Organizations*, Edward Elgar, 2011, 190–224.

3. *Non-State actors and customary international law*

CARRILLO-SANTARELLI, N. “The possibilities and legitimacy of non-state participation in the formation of customary law”, *International Community Law Review*, vol. 19 (2017), 98–125.

HENCKAERTS, J. M. and C. Wiesener. “Human rights obligations of non-state armed groups: a possible contribution from customary international law?”, in R. Kolb and G. Gaggioli (eds.), *Research Handbook on Human Rights and Humanitarian Law*, Edward Elgar, 2013, 146–169.

HOBE, S. “The role of non-state actors, in particular of NGOs, in non-contractual law-making and the development of customary international law”, in R. Wolfrum and V. Röben (eds.), *Developments of International Law in Treaty-Making*, Springer, 2005, 319–329.

KYRIAKOPOULOS, G. D. “Formation of international custom and the role of non-state actors”, in P. Pazartzis, *et al.* (eds.), *Reconceptualising the Rule of Law in Global Governance, Resources, Investment and Trade*, Hart, 2016, 43–58.

OCHOA, C. “The individual and customary international law formation”, *Virginia Journal of International Law*, vol. 48 (2007), 119–186.

PAUST, J. J. “Nonstate actor participation in international law and the pretense of exclusion”, *Virginia Journal of International Law*, vol. 51 (2011), 977–1004.

ROBERTS, A. and S. Sivakumaran. “Lawmaking by nonstate actors: engaging armed groups in the creation of international humanitarian law”, *Yale Journal of International Law*, vol. 37 (2012), 107–152.

RYNGAERT, C. “Non-state actors: carving out a space in a State-centred international legal system”, *Netherlands International Law Review*, vol. 63 (2016), 183–195.

4. *Duration of practice*

ARANGIO-RUIZ, G. “Customary law: a few more thoughts about the theory of ‘spontaneous’ international custom”, in N. Angelet (ed.), *Droit du pouvoir, pouvoir du droit: mélanges offerts à Jean Salmon*, Bruylant, 2007, 93–124.

CHENG, B. “United Nations resolutions on outer space: ‘instant’ international customary law?”, in *Studies in International Space Law*, Clarendon Press, 1997, 125–149.

LANGILLE, B. “It’s ‘instant custom’: how the Bush doctrine became law after the terrorist attacks of September 11, 2001”, *Boston College International and Comparative Law Review*, vol. 26 (2003), 145–156.

MEJÍA-LEMONS, D. G. “Some considerations regarding ‘Instant’ international customary law’, fifty years later”, *Indian Journal of International Law*, vol. 55 (2015), 85–108.

SCHARF, M. P. “Seizing the ‘Grotian moment’: accelerated formation of customary international law in times of fundamental change”, *Cornell International Law Journal*, vol. 43 (2010), 439–469.

----- *Customary International Law in Times of Fundamental Change: Recognizing Grotian Moments*, Cambridge University Press, 2013.

5. *Inaction and customary international law*

BUZZINI, G. P. “Abstention, silence et droit international général”, *Rivista di diritto internazionale*, vol. 88 (2005), 342–382.

CABAN, P. “Failure to react as evidence of *opinio juris* (a comment to the ILC’s first draft conclusions on identification of customary international law)”, *Czech Yearbook of International Law*, vol. 8 (2017), 107–115.

HENRY, E. “Alleged acquiescence of the international community to revisionist claims of international customary law (with special reference to the *jus contra bellum* regime)”, *Melbourne Journal of International Law*, vol. 18 (2017), 260–297.

MACGIBBON, I. C. “Customary international law and acquiescence”, *British Yearbook of International Law*, vol. 33 (1957), 115–145.

MARIE, A. *Le silence de l’Etat comme manifestation de sa volonté*, Pedone, 2018.

QUANE, H. “Silence in international law”, *British Yearbook of International Law*, vol. 84 (2014), 240–270.

VISMARA, F. “Rilievi in tema di inaction e consuetudine internazionale alla luce dei recenti lavori della Commissione del diritto internazionale”, *Rivista di diritto internazionale*, vol. 99 (2016), 1026–1041.

6. *Acceptance as law (opinio juris)*

BOISSON DE CHAZOURNES, L. “Le rôle de l’ ‘*opinio juris*’: commentaire”, in R. Huesa Vinaixa and K. Wellens (eds.), *L’influence des sources sur l’unité et la fragmentation du droit international: travaux de séminaire tenu à Palma, les 20–21 mai 2005*, Bruylant, 2006, 75–80.

BRAILLON, C. “La théorie classique de la coutume et le rôle nouveau de l’*opinio juris*: discours de la justice en droit international et en droit interne”, *Revue de la faculté de droit de l’Université de Liège*, vol. 54 (2009), 664–675.

CASELLA, P. B. “Contemporary trends on *opinio juris* and the material evidence of customary international law”, *Zanzibar Yearbook of Law*, vol. 3 (2013), 27–49.

CHENG, B. “*Opinio juris*: a key concept in international law that is much misunderstood”, in S. Yee and W. Tieya (eds.), *International Law in the Post-Cold War World: Essays in Memory of Li Haopei*, Routledge, 2001, 56–76.

----- “Hazards in international law sharing legal terms and concepts with municipal law without sufficiently taking into account the differences in structure between the two systems — prime examples: custom and *opinio juris*”, in *Studi di diritto internazionale in onore di Gaetano Arangio-Ruiz*, vol. 1, Editoriale Scientifica, 2004, 469–494.

CRAWFORD, J. and T. Viles. “International law on a given day”, in J. Crawford, *International Law as an Open System: Selected Essays*, Cameron May, 2002, 69–94.

DAHLMAN, C. “The function of *opinio juris* in customary international law”, *Nordic Journal of International Law*, vol. 81 (2012), 327–339.

ELIAS, O. “The nature of the subjective element in customary international law”, *International and Comparative Law Quarterly*, vol. 44 (1995), 501–520.

GIANNATTASIO, A. R. C. “A ‘*opinio juris sive necessitatis*’: do elemento subjetivo consuetudinário à intersubjetividade jurídica”, in P. B. Casella and A. de Carvalho (eds.), *Direito Internacional: Homenagem a Adherbal Meira Mattos*, Quartier Latin, 2009, 575–617.

GUGGENHEIM, P. “L’origine de la notion de l’ ‘*opinio juris sive necessitatis*’ comme deuxième élément de la coutume dans l’histoire du droit des gens”, in *Hommage d’une génération de juristes au Président Basdevant*, Pedone, 1960, 258–262.

HUESA VINAIXA, R. *El Nuevo Alcance de la “Opinio Iuris” en el Derecho Internacional Contemporáneo*, Tirant lo Blanch, 1991.

------. “Le rôle de l’*opinio juris*”, in R. Huesa Vinaixa and K. Wellens (eds.), *L’influence des sources sur l’unité ou la fragmentation du droit international*, Bruylant, 2006, 55–73.

KADENS, E. and E. A. Young. “How customary is customary international law?”, *William & Mary Law Review*, vol. 54 (2013), 885–920.

LEFKOWITZ, D. “(Dis)solving the chronological paradox in customary international law: a Hartian approach”, *Canadian Journal of Law and Jurisprudence*, vol. 21 (2008), 129–148.

MENDELSON, M. “The subjective element in customary international law”, *British Yearbook of International Law*, vol. 66 (1995), 177–208.

MILLÁN MORO, L. *La “Opinio Iuris” en el Derecho Internacional Contemporáneo*, Editorial Centro de Estudios Ramon Areces, 1990.

PATTARO, E. *Opinio iuris: il diritto è un’opinione: chi ne ha i mezzi ce la impone: lezioni di filosofia del diritto*, Giappichelli, 2011.

PIZA ESCALANTE, R. E. “La ‘*opinio juris*’ como fuente autónoma del Derecho internacional”, *Anuario Hispano-Luso-Americano de Derecho Internacional*, vol. 8 (1987), 131–194.

SLAMA, J. L. “*Opinio juris* in customary international law”, *Oklahoma City University Law Review*, vol. 15 (1990), 603–656.

TAKI, H. “*Opinio juris* and the formation of customary international law: a theoretical analysis”, *German Yearbook of International Law*, vol. 51 (2008), 447–466.

TASIOULAS, J. “*Opinio juris* and the genesis of custom: a solution to the ‘paradox’”, *Australian Yearbook of International Law*, vol. 26 (2007), 199–205.

WALDEN, R. M. “The subjective element in the formation of customary international law”, *Israel Law Review*, vol. 12 (1977), 344–364.

WILSON, E. “*Mare liberum* and *opinio juris*: a Grotian reading of the *North Sea Continental Shelf* cases”, *Monash University Law Review*, vol. 28 (2002), 299–326.

WOLFKE, K. “L’élément subjectif dans la coutume internationale”, in *Zeszyty naukowe Uniwersytetu Wrocławskiego*, Seria A, No. 27, Prawo (1960), 161–170.

YEE, S. “The news that *opinio juris* ‘is not a necessary element of customary [international] law’ is greatly exaggerated”, *German Yearbook of International Law*, vol. 43 (2000), 227–238.

7. *The inter-relationship of customary international law and treaties*

BAXTER, R. R. “Multilateral treaties as evidence of customary international law”, *British Yearbook of International Law*, vol. 41 (1965–1966), 275–300.

------. “Treaties and custom”, *Collected Courses of the Hague Academy of International Law*, vol. 129 (1970), 25–105.

BORDIN, F. L. “Reflections of customary international law: the authority of codification conventions and ILC draft articles in international law”, *International and Comparative Law Quarterly*, vol. 63 (2014), 535–567.

- BOWETT, D. W. “Treaty revision in the light of the evolution of customary international law”, *African Journal of International and Comparative Law*, vol. 5 (1993), 84–96.
- BRÖLMANN, C. “Law-making treaties: form and function in international law”, *Nordic Journal of International Law*, vol. 74 (2005), 383–404.
- ČEPELKA, Č. “Smlouva a obyčej v mezinárodním právu”, *Monographia: Acta Universitatis Carolinae Iuridica*, vol. 43 (1984).
- CHARNEY, J. I. “International agreements and the development of customary international law”, *Washington Law Review*, vol. 61 (1986), 971–996.
- “The Antarctic system and customary international law”, in F. Francioni and T. Scovazzi (eds.), *International Law for Antarctica*, Kluwer Law International, 1996, 51–101.
- CROTOF, R. “Change without consent: how customary international law modifies treaties”, *Yale Journal of International Law*, vol. 41 (2016), 237–299.
- D’AMATO, A. A. “Manifest intent and the generation by treaty of customary rules of international law”, *American Journal of International Law*, vol. 64 (1970), 892–902.
- “Custom and treaty: a response to Professor Weisburd”, *Vanderbilt Journal of Transnational Law*, vol. 21 (1988), 459–472.
- DANILENKO, G. M. “Соотношение и взаимодействие международного договора и международного обычая”, *Soviet Yearbook of International Law — 1983*, Nauka, 1984, 12–25.
- DE VISSCHER, C. “Coutume et traité en droit international public”, *Revue Générale de Droit International Public*, vol. 59 (1955), 353–369.
- DINSTEIN, Y. “The interaction between customary international law and treaties”, *Collected Courses of the Hague Academy of International Law*, vol. 322 (2006), 243–427.
- DO NASCIMENTO E SILVA, G. E. “Treaties as evidence of customary international law”, in *International Law at the Time of its Codification: Essays in Honour of Robert Ago*, Giuffrè, 1987, 387–397.
- DOHRING, K. “Gewohnheitsrecht aus Verträgen”, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, vol. 36 (1976), 77–95.
- ENABULELE, A. O. “Multilateral treaties and the effects of the universality of customs on state consent”, *New Zealand Yearbook of International Law*, vol. 13 (2015), 3–55.
- GAMBLE, J. K. “The treaty/custom dichotomy: an overview”, *Texas International Law Journal*, vol. 16 (1981), 305–319.
- JIA, B. B. “The relations between treaties and custom”, *Chinese Journal of International Law*, vol. 9 (2010), 81–109.
- KOLB, R. *The Law of Treaties: an Introduction*, Edward Elgar, 2016, 260–269.
- KONTOU, N. *The Termination and Revision of Treaties in the Light of New Customary International Law*, Clarendon Press, 1994.
- MENDELSON, M. “Disentangling treaty and customary international law”, *ASIL Proceedings*, vol. 81 (1987), 157–164.
- MORRISON, F. L. “The importance of generality in law-making international agreements”, in H. P. Hestermeyer, et al. (eds.), *Coexistence, Cooperation and Solidarity: Liber Amicorum Rüdiger Wolfrum*, vol. II, Martinus Nijhoff, 2012, 1497–1505.

- NELSON, L. D. M. “The *North Sea Continental Shelf* cases and law-making conventions”, *The Modern Law Review*, vol. 35 (1972), 52–56.
- SANDS, P. “Treaty, custom and the cross-fertilization of international law”, *Yale Human Rights and Development Law Journal*, vol. 1 (1998), 85–105.
- SASSOLI, M. *Bedeutung einer Kodifikation für das allgemeine Völkerrecht*, Helbing & Lichtenhahn, 1990.
- SCHACHTER, O. “Entangled treaty and custom”, in Y. Dinstein and M. Tabory (eds.), *International Law at a Time of Perplexity: Essays in Honour of Shabtai Rosenne*, Martinus Nijhoff, 1989, 717–738.
- SCHWEBEL, S. M. “The influence of bilateral investment treaties on customary international law”, *ASIL Proceedings*, vol. 98 (2004), 27–30.
- SCOTT, G. L. and C. L. Carr. “The International Court of Justice and the treaty/custom dichotomy”, *Texas International Law Journal*, vol. 16 (1981), 347–359.
- “Multilateral treaties and the formation of customary international law”, *Denver Journal of International Law and Policy*, vol. 25 (1996), 71–94.
- SHIHATA, I. F. I. “The treaty as a law-declaring and custom-making instrument”, *Revue égyptienne de droit international*, vol. 22 (1966), 51–90.
- SINCLAIR, I. “The impact of the unratified Codification Convention”, in A. Bos and H. Siblesz (eds.), *Realism in Law-Making: Essays on International Law in Honour of Willem Riphagen*, Martinus Nijhoff, 1986), 211–229.
- SOHN, L. B. “Unratified treaties as a source of customary international law”, in A. Bos and H. Siblesz (eds.), *Realism in Law-Making: Essays in International Law in Honour of Willem Riphagen*, Martinus Nijhoff, 1986), 231–246.
- TEBOUL, G. “Remarques sur le rang hiérarchique des conventions inter-étatiques et du droit international coutumier dans l’ordre juridique international”, *Journal du droit international*, vol. 137 (2010), 705–735.
- THIRLWAY, H. “Professor Baxter’s legacy: still paradoxical?”, *ESIL Reflections*, vol. 6 (2017), available from www.esil-sedi.eu/sites/default/files/ESIL%20Reflection%20Thirlway_0.pdf.
- TORRIONE, H. (ed.). *L’influence des conventions de codification sur la coutume en droit international public*, Éditions universitaires Fribourg, 1989.
- VILLIGER, M. E. *Customary International Law and Treaties: a Study of their Interactions and Interrelations with Special Consideration of the 1969 Vienna Convention on the Law of Treaties*, Martinus Nijhoff, 1985.
- WEISBURD, A. M. “Customary international law: the problem of treaties”, *Vanderbilt Journal of Transnational Law*, vol. 21 (1988), 1–46.
- WOLFKE, K. “Treaties and custom: aspects of interrelation”, in J. Klabbers and R. Lefeber (eds.), *Essays on the Law of Treaties: a Collection of Essays in Honour of Bert Vierdag*, Martinus Nijhoff, 1998, 31–39.
- ZEMANEK, K. “Die Bedeutung der Kodifizierung des Völkerrechts für seine Anwendung”, in R. Marcic, et al. (eds.), *Internationale Festschrift für Alfred Verdross. Zum 80. Geburtstag*, Wilhelm Fink Verlag, 1971, 565–596.
- “Codification of international law: salvation or dead end?” in J.-P. L. Fonteyne and D. W. Greig (eds.), *International Law at the Time of its Codification: Essays in Honour of Roberto Ago*, Giuffrè, 1987, 581–601.

8. *Resolutions of international organizations and conferences and customary international law*

ASAMOAH, O. Y. *The Legal Significance of the Declarations of the General Assembly of the United Nations*, Martinus Nijhoff, 1966.

CHENG, B. “United Nations resolutions on outer space: ‘instant’ international customary law?”, *Indian Journal of International Law*, vol. 5 (1965), 23–48.

CORTEN, O. “La participation du Conseil de sécurité à l’élaboration, à la cristallisation ou à la consolidation de règles coutumières”, *Revue belge de droit international*, vol. 37 (2004), 552–567.

DEPLANO, R. “Assessing the role of resolutions in the ILC draft conclusions on identification of customary international law: substantive and methodological issues”, *International Organizations Law Review*, vol. 14 (2017), 227–253.

DETTET, I. “The effect of resolutions of international organizations”, in J. Makarczyk (ed.), *Theory of International Law at the Threshold of the 21st Century: Essays in Honour of Krzysztof Skubiszewski*, Kluwer Law International, 1996, 381–392.

DROUBI, S. “The role of the United Nations in the formation of customary international law in the field of human rights”, *International Community Law Review*, vol. 19 (2017), 68–97.

ELLIS, M. E. “The new international economic order and General Assembly resolutions: the debate over the legal effects of General Assembly resolutions revisited”, *California Western International Law Journal*, vol. 15 (1985), 647–704.

FROMEIN, J. A. “Der Beitrag der internationalen Organisationen zur Entwicklung des Völkerrechts”, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, vol. 36 (1976), 147–167.

HIGASHI, J. “The role of resolutions of the United Nations General Assembly in the formative process of international customary law”, *Japanese Annual of International Law*, vol. 25 (1982), 11–25.

INSTITUT DE DROIT INTERNATIONAL. “Conclusions of the Thirteenth Commission on Resolutions of the General Assembly of the United Nations, with respect to the topic of the Elaboration of General Multilateral Conventions and of Non-contractual Instruments Having a Normative Function of Objective”, *Annuaire de l’Institut de Droit International*, vol. 62 (1987), 274–289.

MACGIBBON, I. “Means for the identification of international law — General Assembly resolutions: custom, practice and mistaken identity”, in B. Cheng (ed.), *International Law: Teaching and Practice*, Stevens & Sons, 1982, 10–26.

ÖBERG, M. D. “The legal effects of resolutions of the UN Security Council and General Assembly in the jurisprudence of the ICJ”, *European Journal of International Law*, vol. 16 (2006), 879–906.

SCHWEBEL, S. M. “The effect of resolutions of the U.N. General Assembly on customary international law”, *ASIL Proceedings*, vol. 73 (1979), 301–309.

----- “United Nations resolutions, recent arbitral awards and customary international law”, in A. Bos and H. Siblesz (eds.), *Realism in Law-Making: Essays in International Law in Honour of Willem Riphagen*, Martinus Nijhoff, 1986, 203–210.

SIMMA, B. “Zur völkerrechtlichen Bedeutung von Resolutionen des UN-Generalversammlung”, *Fünftes deutsch-polnisches Juristen-Kolloquium*, vol. 2 (1981), 45–76.

SKUBISZEWSKI, K. “Can future international law be developed through the resolutions of intergovernmental bodies?”, in *International Law Tomorrow*, Éditions ides et calendes, 1974, 55–66.

----- “Rechtscharakter der Resolutionen der Generalversammlung der Vereinten Nationen”, *Fünftes deutsch-polnisches Juristen-Kolloquium*, vol. 2 (1981), 13–43.

----- “Resolutions of the UN General Assembly and evidence of custom”, in J.-P. L. Fonteyne and D. W. Greig (eds.), *International Law at the Time of its Codification: Essays in Honour of Robert Ago*, Giuffrè, 1987, 503–513.

SLOANE, B. “General Assembly resolutions revisited (forty years later)”, *British Yearbook of International Law*, vol. 58 (1987), 39–150.

----- *General Assembly Resolutions in Our Changing World*, Transnational Publishers, 1991.

THIERRY, H. “Les résolutions des organes internationaux dans la jurisprudence de la Cour internationale de Justice”, *Collected Courses of the Hague Academy of International Law*, vol. 167 (1980), 438–444.

TUNKIN, G. I. “The role of resolutions of international organisations in creating norms of international law”, in W. E. Butler (ed.), *International Law and the International System*, Martinus Nijhoff, 1987, 5–19.

VON GRÜNIGEN, M. “Die Resolutionen der Generalversammlung der Vereinten Nationen und ihr Einfluss auf die Fortbildung des Völkerrechts”, in E. Diez, *et al.* (eds.), *Festschrift für Rudolf Bindschedler zum 65. Geburtstag am 8. Juli 1980*, Verlag Stämpfli Cie AG, 1980, 187–200.

VOYIAKIS, E. “Voting in the General Assembly as evidence of customary international law?”, in S. Allen and A. Xanthaki (eds.), *Reflections on the UN Declaration on the Rights of Indigenous Peoples*, Hart, 2011, 209–223.

9. *Decisions of courts and tribunals*

(a) *Customary international law in the jurisprudence of the Permanent Court of International Justice and the International Court of Justice*

ALVAREZ-JIMÉNEZ, A. “Methods for the identification of customary international law in the International Court of Justice’s jurisprudence: 2000–2009”, *International and Comparative Law Quarterly*, vol. 60 (2011), 681–712.

BENVENISTI, E. “Customary international law as a judicial tool for promoting efficiency”, in E. Benvenisti and M. Hirsch (eds.), *The Impact of International Law on International Cooperation: Theoretical Perspectives*, Cambridge University Press, 2004, 85–116.

CHAN, L. “The dominance of the International Court of Justice in the creation of customary international law”, *Southampton Student Law Review*, vol. 6 (2016), 44–71.

CHARLESWORTH, H. C. M. “Customary international law and the *Nicaragua* case”, *Australian Yearbook of International Law*, vol. 11 (1984–1987), 1–31.

CHOI, S. J. and M. Gulati. “Customary international law: how do courts do it?”, in C. A. Bradley (ed.), *Custom’s Future: International Law in a Changing World*, Cambridge University Press, 2016, 117–147.

FERRER LLORET, J. “La insoportable levedad del derecho internacional consuetudinario en la jurisprudencia de la Corte Internacional de Justicia: el caso de las inmunidades jurisdiccionales del Estado”, *Revista Electrónica de Estudios Internacionales*, vol. 24 (2012), 1–36.

FUMAGALLI, L. “Evidence before the International Court of Justice: issues of fact and questions of law in the determination of international custom”, in N. Boschiero, *et al.* (eds.), *International Courts and the Development of International Law: Essays in Honour of Tullio Treves*, Asser Press, 2013, 137–148.

GEIGER, R. H. “Customary international law in the jurisprudence of the International Court of Justice: a critical appraisal”, in U. Fastenrath, *et al.* (eds.), *From Bilateralism to Community Interest: Essays in Honour of Judge Bruno Simma*, Oxford University Press, 2011, 673–694.

HAGEMANN, M. “Die Gewohnheit als Völkerrechtsquelle in der Rechtsprechung des internationalen Gerichtshofes”, *Schweizerisches Jahrbuch für internationales Recht*, vol. 10 (1953), 61–88.

HAGGENMACHER, P. “La doctrine des deux éléments du droit coutumier dans la pratique de la Cour internationale”, *Revue générale de droit international public*, vol. 90 (1986), 5–125.

JIA, B. B. “International case law in the development of international law”, *Collected Courses of the Hague Academy of International Law*, vol. 382 (2016), 334–351.

KIRCHNER, J. *Völkergewohnheitsrecht aus der Sicht der Rechtsanwendung. Möglichkeiten und Grenzen bei der Ermittlung völkergewohnheitsrechtlicher Normen*, VVF, 1989.

----- “Thoughts about a methodology of customary international law”, *Austrian Journal of Public and International Law*, vol. 43 (1992), 215–239.

MCGARRY, B. “The development of custom in territorial dispute settlement”, *Journal of International Dispute Settlement*, vol. 2 (2016), 339–365.

PALCHETTI, P. “La rilevanza dell’ atteggiamento degli Stati parti nell’ accertamento del diritto internazionale generale da parte della Corte internazionale di giustizia”, *Rivista di diritto internazionale*, vol. 82 (1999), 647–679.

PETERSEN, N. “The International Court of Justice and the judicial politics of identifying customary international law”, *European Journal of International Law*, vol. 28 (2017), 357–385.

SKUBISZEWSKI, K. “Elements of custom and the Hague Court”, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, vol. 31 (1971), 810–854.

SØRENSEN, M. *Les sources du droit international: étude sur la jurisprudence de la Cour permanente de justice internationale*, Einar Munksgaard, 1946, 84–111.

TALMON, S. “Determining customary international law: the ICJ’s methodology between induction, deduction and assertion”, *European Journal of International Law*, vol. 26 (2015), 417–443.

TAMS, C. “Meta-custom and the court: a study in judicial law-making”, *The Law and Practice of International Courts and Tribunals*, vol. 14 (2015), 51–79.

TOMKA, P. “Custom and the International Court of Justice”, *The Law & Practice of International Courts and Tribunals*, vol. 12 (2013), 195–216.

----- “Customary international law in the jurisprudence of the World Court: the increasing relevance of codification”/“Le droit international coutumier dans la jurisprudence de la Cour mondiale: l’importance croissante de la codification”, in L. Lijnzaad and Council of Europe (eds.), *The Judge and International Custom*, Brill Nijhoff, 2016, 2–24.

TZEVELEKOS, V. P. “*Juris dicere*: custom as a matrix, custom as a norm, and the role of judges and (their) ideology in custom making”, in N. Rajkovic, T. Aalberts and T. Gammeltoft-Hansen (eds.), *The Power of Legality: Practices of International Law and their Politics*, Cambridge University Press, 2016, 188–208.

VISMARA, F. “La prova di una pratica generale accettata come diritto nella prassi della Corte internazionale di giustizia”, *La Comunità Internazionale*, vol. 3 (2000), 439–463.

WATTS, A. “The International Court and the continuing customary international law of treaties”, in N. Ando, E. McWhinney and R. Wolfrum (eds.), *Liber Amicorum Judge Shigeru Oda*, Kluwer Law International, 2002, 251–265.

(b) Customary international law and national court decisions

BEAULAC, S. “Customary international law in domestic courts: imbroglio, Lord Denning, stare decisis”, in C. P. M. Waters (ed.), *British and Canadian Perspectives on International Law*, Martinus Nijhoff, 2006, 379–392.

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”, *European Journal of International Law*, vol. 24 (2013), 649–661.

BURMESTER, H. “The determination of customary international law in Australian courts”, *Non-State Actors and International Law*, vol. 4 (2004), 39–47.

BUTKEVICH, V. G. “Применение правил международного обычая во внутривосударственном суде”, *Вестник Киевского университета. Международные отношения и международное право*, vol. 15 (1982), 35–42.

CHIBUNDU, M. O. “Making customary international law through municipal adjudication: a structural inquiry”, *Virginia Journal of International Law*, vol. 39 (1999), 1069–1149.

COLLINS, L. and T. Cross. “The law of international custom in the case law of the House of Lords and the United Kingdom Supreme Court”/“Le droit de la coutume internationale dans la jurisprudence de la Chambre des Lords et de la Cour suprême du Royaume-Uni”, in L. Lijnzaad and Council of Europe (eds.), *The Judge and International Custom*, Brill Nijhoff, 2016, 160–180.

DEDOV, D. “The development of the public order concept in Russian case law”/“L’élaboration de la notion d’ordre public dans la jurisprudence russe”, in L. Lijnzaad and Council of Europe (eds.), *The Judge and International Custom*, Brill Nijhoff, 2016, 135–142.

FERDINAND, R. *Die Rechtsprechung der Gerichte der Bundesrepublik Deutschland zum Völkergewohnheitsrecht*, Lang, 1985.

GATTINI, A. “Le rôle du juge international et du juge national et la coutume internationale”, in D. Alland, et al. (eds.), *Unité et diversité du droit international: écrits en l’honneur du professeur Pierre-Marie Dupuy*, Martinus Nijhoff, 2014, 253–273.

GEIGER, R. “Zur Lehre vom Völkergewohnheitsrecht in der Rechtsprechung des Bundesverfassungsgerichts”, *Archiv des öffentlichen Rechts*, vol. 103 (1978), 382–407.

GREENWOOD, C. “The development of international law by national courts”, in T. Maluwa, et al. (eds.), *The Pursuit of a Brave New World in International Law: Essays in Honour of John Dugard*, Brill Nijhoff, 2017, 193–211.

- JENNINGS, R. Y. “The judiciary, international and national, and the development of international law”, *International and Comparative Law Quarterly*, vol. 45 (1996), 1–12.
- JOHNSON, C. D. “*Filartiga v. Pena Irala*: a contribution to the development of customary international law by a domestic court”, *Georgia Journal of International and Comparative Law*, vol. 11 (1981), 335–341.
- JONES, D. L. “The role of lawyers in ‘establishing’ customary international law in the *Pinochet* case”, *Non-State Actors and International Law*, vol. 4 (2004), 49–58.
- KILLIAN, K. “La costumbre en el derecho internacional (Precedentes judiciales del derecho interno como medios de prueba)”, 93 *Lecciones y Ensayos* (2014) 183–206.
- LAUTERPACHT, H. “Decisions of Municipal Courts as a Source of International Law”, 10 *British Yearbook of International Law* (1929) 65–95.
- LIJNZAAD, L. “Customary international law before Dutch courts: *Nyugat* and beyond”/ “L’application du droit international coutumier par les tribunaux néerlandais, l’arrêt *Nyugat* et ses suites”, in L. Lijnzaad and Council of Europe (eds.), *The Judge and International Custom*, Brill Nijhoff, 2016, 121–134.
- MOREMEN, P. M. “National court decisions as state practice: a transnational judicial dialogue?”, *North Carolina Journal of International Law and Commercial Regulation*, vol. 32 (2006), 259–309.
- NOLLKAEMPER, A. and E. de Wet. “The application of customary international law by national courts: introduction”, *Non-State Actors and International Law*, vol. 4 (2004), 1–2.
- OLLESON, S. “Internationally wrongful acts in the domestic courts: the contribution of domestic courts to the development of customary international law relating to the engagement of international responsibility”, *Leiden Journal of International Law*, vol. 26 (2013), 615–642.
- PAULUS, A. “Customary law before the Federal Constitutional Court of Germany”/ “Le droit coutumier devant la Cour constitutionnelle fédérale d’Allemagne”, in L. Lijnzaad and Council of Europe (eds.), *The Judge and International Custom*, Brill Nijhoff, 2016, 106–120.
- PETRIČ, E. “Customary international law in the case law of the Constitutional Court of the Republic of Slovenia”/ “Le droit international coutumier dans la jurisprudence de la Cour constitutionnelle de la République de Slovénie”, in L. Lijnzaad and Council of Europe (eds.), *The Judge and International Custom*, Brill Nijhoff, 2016, 143–159.
- REINISCH, A. “The international relations of national courts: a discourse on international law norms on jurisdictional and enforcement immunity”, in A. Reinisch and U. Kriebaum (eds.), *The Law of International Relations. Liber Amicorum Hanspter Neuhold*, Eleven International Publishing, 2007, 289–309.
- and P. Bachmayer. “The identification of customary international law by Austrian courts”, *Austrian Review of International and European Law*, vol. 17 (2012), 1–48.
- ROBERTS, A. “Comparative international law: the role of national courts in creating and enforcing international law”, *International & Comparative Law Quarterly*, vol. 60 (2011), 57–92.
- RUFFERT, M. “Der Entscheidungsmaßstab im Normverifikationsverfahren nach Art.100 II GG.”, *JuristenZeitung*, vol. 56 (2001), 633–639.

STIRLING-ZANDA, S. *L'application judiciaire du droit international coutumier — Étude comparée de la pratique européenne*, Schulthess Juristische Medien, 2000.

----- . “The determination of customary international law in European Courts (France, Germany, Italy, the Netherlands, Spain, Switzerland)”, *Non-State Actors and International Law*, vol. 4 (2004), 3–24.

STIRN, B. “International custom in French public law”/“La place de la coutume internationale en droit public français”, in L. Lijnzaad and Council of Europe (eds.), *The Judge and International Custom*, Brill Nijhoff, 2016, 101–105.

TOMKA, P., J. Howley and V.-J. Proulx. “International and municipal law before the World Court: one or two legal orders?”, *Polish Yearbook of International Law*, vol. 35 (2015), 11–45.

WILLEMS, J. H. M. “Treatment of customary international law and use of expert evidence by the Dutch court in the *Bouterse* case”, *Non-State Actors and International Law*, vol. 4 (2004), 65–74.

WOUTERS, J. “Customary international law before national courts: some reflections from a continental European perspective”, *Non-State Actors and International Law*, vol. 4 (2004), 25–38.

WUERTH, I. “International law in domestic courts and the *Jurisdictional Immunities of the State* case”, *Melbourne Journal of International Law*, vol. 13 (2012), 819–837.

10. *Customary international law and the teachings of publicists*

KAMMERHOFER, J. “Orthodox generalists and political activists in international legal scholarship”, in M. Happold (ed.), *International Law in a Multipolar World*, Routledge, 2012, 138–157.

Oraison, A. “Réflexions 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*, vol. 24 (1991), 507–580.

SIVAKUMARAN, S. “The influence of teachings of publicists on the development of international law”, *International and Comparative Law Quarterly*, vol. 66 (2017), 1–37.

WOOD, M. “Teachings of the most highly qualified publicists (Art. 38(1) ICJ Statute)”, in R. Wolfrum (ed.), *Max Planck Encyclopedia of Public International Law*, Oxford University Press, 2012.

11. *Persistent objector*

BARSALOU, O. “La doctrine de l’objecteur persistant en droit international public”, *Revue québécoise de droit international*, vol. 19 (2006), 1–18.

BEDERMAN, D. J. “Acquiescence, objection and the death of customary international law”, *Duke Journal of Comparative & International Law*, vol. 21 (2010), 31–45.

BRADLEY, C.A. and M. Gulati. “Withdrawing from international custom”, *Yale Law Journal*, vol. 120 (2010), 202–275.

CHARNEY, J. I. “The persistent objector rule and the development of customary international law”, *British Yearbook of International Law*, vol. 56 (1985), 1–24.

COLSON, D. A. “How persistent must the persistent objector be?”, *Washington Law Review*, vol. 61 (1986), 957–970.

DUMBERRY, P. “Incoherent and ineffective: the concept of persistent objector revisited”, *International and Comparative Law Quarterly*, vol. 59 (2010), 779–802.

----- “The last citadel! Can a State claim the status of persistent objector to prevent the application of a rule of customary international law in investor-State arbitration?”, *Leiden Journal of International Law*, vol. 23 (2010), 379–400.

DUPUY, P.-M. “A propos de l’opposabilité de la coutume générale: enquête brève sur ‘l’objecteur persistant’”, in *Le droit international au service de la paix, de la justice et du développement: mélanges offerts à Michel Virally*, Paris, Pédone, 1991, 257–279.

ELIAS, O. “Some remarks on the persistent objector rule in customary international law”, *Denning Law Journal*, vol. 6 (1991), 37–51.

----- “Persistent objector”, in R. Wolfrum (ed.), *Max Planck Encyclopedia of Public International Law*, Oxford University Press, 2006.

ETO, J. “The persistent objector rule in the *Fisheries* case”, *Toyo Hogaku*, vol. 32 (1989), 295–323 (in Japanese).

----- “The theory of customary international law and the persistent objector rule”, *Journal of International Law and Diplomacy*, vol. 88 (1989), 38–64.

FITZMAURICE, G. “The general principles of international law considered from the standpoint of the rule of law”, *Collected Courses of the Hague Academy of International Law*, vol. 92 (1957), 99–101.

GREEN, J. A. *The Persistent Objector Rule in International Law*, Oxford University Press, 2016.

----- “Persistent objector teflon? Customary international human rights law and the United States in international adjudicative proceedings”, in J. A. Green and C. Waters (eds.), *Adjudicating International Human Rights: Essays in Honour of Sandy Ghandhi*, Brill Nijhoff, 2015, 167–191.

GULDAHL, C. G. “The role of persistent objection in international humanitarian law”, *Nordic Journal of International Law*, vol. 77 (2008), 51–86.

KRITSIOTIS, D. “On the possibilities of and for persistent objection”, *Duke Journal of Comparative & International Law*, vol. 21 (2010), 121–141.

LAU, H. “Rethinking the persistent objector doctrine in international human rights law”, *Chicago Journal of International Law*, vol. 6 (2005), 495–510.

LOSCHIN, L. “The persistent objector rule and customary human rights law: a proposed analytical framework”, *University of California Davis Journal of International Law and Policy*, vol. 2 (1996), 147–172.

MCCLANE, J. B. “How late in the emergence of a norm of customary international law may a persistent objector object?”, *ILSA Journal of International Law*, vol. 13 (1989), 1–26.

PENTASSUGLIA, G. *La Rilevanza dell’Obiezione Persistente nel Diritto Internazionale*, Laterza, 1996.

QUINCE, C. *The Persistent Objector and Customary International Law*, Outskirts Press, 2010.

STEIN, T. L. “The approach of the different drummer: the principle of the persistent objector in international law”, *Harvard International Law Journal*, vol. 26 (1985), 457–482.

STEINFELD, A. “Nuclear objections: the persistent objector and the legality of the use of nuclear weapons”, *Brooklyn Law Review*, vol. 62 (1996), 1635–1686.

TRACHTMAN, J. P. “Persistent objectors, cooperation, and the utility of customary international law”, *Duke Journal of Comparative & International Law*, vol. 21 (2010), 221–233.

WEIL, P. “Le droit international en quête de son identité”, *Collected Courses of the Hague Academy of International Law*, vol. 237 (1992), 189–204.

12. *Particular customary international law*

BRIGGS, H. W. “The Colombian–Peruvian asylum case and proof of customary international law”, *American Journal of International Law*, vol. 45 (1951), 728–731.

COHEN-JONATHAN, G. “La coutume locale”, *Annuaire français de droit international*, vol. 7 (1961), 119–140.

CREMA, L. “The ‘right mix’ and ‘ambiguities’ in particular customs: a few remarks on the *Navigational and Related Rights Case*”, in N. Boschiero, *et al.* (eds.), *International Courts and the Development of International Law: Essays in Honour of Tullio Treves*, Asser Press, 2013, 65–75.

D’AMATO, A. A. “The concept of special custom in international law”, *American Journal of International Law*, vol. 63 (1969), 211–223.

ELIAS, O. “The relationship between general and particular customary international law”, *African Journal of International & Comparative Law*, vol. 8 (1996), 67–88.

FORTEAU, M. “Regional international law”, in R. Wolfrum (ed.), *Max Planck Encyclopedia of Public International Law*, Oxford University Press, 2006.

FRANCIONI, F. “La consuetudine locale nel diritto internazionale”, *Rivista di diritto internazionale*, vol. 54 (1971), 396–422.

GAMIO, J. M. “Costumbre universal y particular”, in M. Rama-Montaldo (ed.), *El derecho internacional en un mundo en transformación*, vol. 1 (1994), 69–98.

GROS ESPIELL, H. “La doctrine du droit international en Amérique Latine avant la première conférence panaméricaine”, *Journal of the History of International Law*, vol. 3 (2001), 1–17.

GULIYEV, K. “Local custom in international law”, *International Community Law Review*, vol. 19 (2017) 47–67.

C. Customary international law in different fields of international law

1. *Customary international human rights law*

ALFADHEL, K. A. “The right to democracy in international customary law”, in *The Right to Democracy in International Law: Between Procedure, Substance and the Philosophy of John Rawls*, Routledge, 2017, 13–28.

BATES, E. S. “From assertion to solid methodology in customary international human rights law”, *ASIL Proceedings*, vol. 103 (2009), 492–494.

CHAN, P. C. W. “The protection of refugees and internally displaced persons: non-refoulement under customary international law?”, *International Journal of Human Rights*, vol. 10 (2006), 231–239.

CHETAIL, V. “The transnational movement of persons under general international law — mapping the customary law foundations of international migration law”, in V. Chetail and C. Bauloz (eds.), *Research Handbook on International Law and Migration*, Edward Elgar, 2014, 1–72.

COLAVITTI, R. “L’ONU et la protection des minorités: un droit coutumier *in statu nascendi*?”, *Observateur des Nations Unies*, vols. 20/21 (2006), 261–283.

COLEMAN, N. “*Non-refoulement* revised: renewed review of the status of *non-refoulement* as customary international law”, *European Journal of Migration and Law*, vol. 5 (2003), 23–68.

D’AMATO, A. “Human rights as part of customary international law: a plea for change of paradigms”, *Georgia Journal of International & Comparative Law*, vol. 25 (1995/1996), 47–98.

FRANCIONI, F. “Au-delà des traités: l’émergence d’un nouveau droit coutumier pour la protection du patrimoine culturel”, *Revue Générale de Droit International Public*, vol. 111 (2007), 19–42.

GALLANT, K. S. “Use of comparative law in determining the customary international law of human rights”, *Florida Journal of International Law*, vol. 24 (2012), 429–438.

GREIG, D. W. “The protection of refugees and customary international law”, *Australian Year Book of International Law*, vol. 8 (1978/1980), 108–141.

GUNNING, I. R. “Modernizing customary international law: the challenge of human rights”, *Virginia Journal of International Law*, vol. 31 (1991) 211–247.

HAILBRONNER, K. “*Nonrefoulement* and ‘humanitarian’ refugees: customary international law or wishful legal thinking?”, in D. A. Martin (ed.), *The New Asylum Seekers: Refugee Law in the 1980s — the Ninth Sokol Colloquium on International Law*, Martinus Nijhoff, 1988, 123–158.

HAMMER, L. M. “Reconsidering the Israeli courts’ application of customary international law in the human rights context”, *ILSA Journal of International & Comparative Law*, vol. 5 (1998), 23–41.

HANNUM, H. “The status of the Universal Declaration of Human Rights in national and international law”, *Georgia Journal of International and Comparative Law*, vol. 25 (1995/1996), 287–397.

HENCKAERTS, J.-M. and C. Wiesener. “Human rights obligations of non-state armed groups: a possible contribution from customary international law?”, in R. Kolb and G. Gaggioli (eds.), *Research Handbook on Human Rights and Humanitarian Law*, Edward Elgar, 2013, 146–169.

HØSTMÆLINGEN, N. “Internasjonal sedvanerett”, in *Internasjonale menneskerettigheter*, 2nd ed., Universitetsforlaget, 2012, 100–104.

ISANGA, J. “Counter-terrorism and human rights: the emergence of a rule of customary international law from U.N. resolutions”, *Denver Journal of International Law and Policy*, vol. 37 (2009), 233–255.

KLEIN, E. (ed.). *Menschenrechtsschutz durch Gewohnheitsrecht: Kolloquium 26.–28.*, Berliner Wissenschafts-Verlag, 2003.

LAUTERPACHT, E. and D. Bethlehem. “The scope and content of the principle of *non-refoulement*: opinion”, in E. Feller, V. Türk and F. Nicholson (eds.), *Refugee Protection in International Law*, Cambridge University Press, 2003, 87–177.

LENZERINI, F. “Suppressing slavery under customary international law”, *Italian Yearbook of International Law*, vol. 10 (2000), 145–180.

----- “The safeguarding of collective cultural rights through the evolutionary interpretation of human rights treaties and their translation into principles of customary international law”, in A. Jakubowski (ed.), *Cultural Rights as Collective Rights: an International Law Perspective*, Brill, 2016, 133–153.

LILLICH, R. B. “The growing importance of customary international human rights law”, *Georgia Journal of International and Comparative Law*, vol. 25 (1995/1996), 1–30.

LOWE, A. “Customary international law and international human rights law: a proposal for the expansion of the Alien Tort Statute”, *Indiana International & Comparative Law Review*, vol. 23 (2013), 523–553.

MERON, T. *Human Rights and Humanitarian Norms as Customary Law*, Clarendon Press, 1991.

PAUST, J. J. “The complex nature, sources and evidences of customary human rights”, *Georgia Journal of International and Comparative Law*, vol. 25 (1995/1996), 147–164.

RICHTER, C. *Aspekte der universellen Geltung der Menschenrechte und der Herausbildung von Völkergewohnheitsrecht*, VVF, 2007.

SIMMA, B. and P. Alston. “The sources of human rights law: custom, *jus cogens*, and general principles”, *Australian Yearbook of International Law*, vol. 12 (1988–1989), 82–108.

THIRLWAY, H. “Human rights in customary law: an attempt to define some of the issues”, *Leiden Journal of International Law*, vol. 28 (2015), 495–506.

TZEVELEKOS, V. P. and K. Dzehtsiarou. “International custom making and the ECtHR’s European consensus method of interpretation”, *European Yearbook on Human Rights*, vol. 16 (2016), 313–344.

ULLOM, V. “Voluntary repatriation of refugees and customary international law”, *Denver Journal of International Law and Policy*, vol. 29 (2001), 115–149.

WEISBURD, A. M. “The effect of treaties and other formal international acts on the customary law of human rights”, *Georgia Journal of International and Comparative Law*, vol. 25 (1995/1996), 99–146.

WOUTERS, J. and C. Ryngaert. “Impact on the process of the formation of customary international law”, in M. T. Kamminga and M. Scheinin (eds.), *The Impact of Human Rights Law on General International Law*, Oxford University Press, 2009, 111–131.

ZIEMELE, I. “Customary international law in the case law of the European Court of Human Rights: the method”, *Law and Practice of International Courts and Tribunals*, vol. 12 (2013), 243–252.

2. *Customary international humanitarian law*

ALDRICH, G. H. “Customary international humanitarian law: an interpretation on behalf of the International Committee of the Red Cross”, *British Yearbook of International Law*, vol. 76 (2005), 503–524.

BARNSBY, R. E. “Yes, we can: the authority to detain in customary international law”, *Military Law Review*, vol. 202 (2009), 53–90.

BELLINGER, J. B. and W. J. Haynes. “A US Government response to the International Committee of the Red Cross Study *Customary International Humanitarian Law*”, *International Review of the Red Cross*, vol. 89 (2007), 443–471.

BENOIT, J. P. “Misreatment of the wounded, sick and shipwrecked by the ICRC study on customary international humanitarian law”, *Yearbook of International Humanitarian Law*, vol. 11 (2008), 175–219.

BÍLKOVÁ, V. “Zamyšlení nad studií Obyčejové mezinárodní humanitární právo”, *Právník*, vol. 145 (2006), 1205–1229.

BOTHE, M. “Customary international humanitarian law”, *Yearbook of International Humanitarian Law*, vol. 8 (2005), 143–178.

BRUDERLEIN, C. “Vom Gewohnheitsrecht im Humanitären Völkerrecht”, *Auszüge der Revue internationale de la Croix-Rouge*, vol. 42 (1991), 331–350.

BUGNION, F. “Droit international humanitaire coutumier”, *Revue suisse de droit international et de droit européen*, vol. 17 (2007), 165–214.

CARDUCCI, G. “L’obligation de restitution des biens culturels et des objets d’art en cas de conflit armé: droit coutumier et droit conventionnel avant et après la Convention de La Haye de 1954: l’importance du facteur temporel dans les rapports entre les traités et la coutume”, *Revue générale de droit international public*, vol. 104 (2000), 289–357.

CRYER, R. “Of custom, treaties, scholars and the gavel: the influence of the International Criminal Tribunals on the ICRC customary law study”, *Journal of Conflict and Security Law*, vol. 11 (2006), 239–263.

DAHLITZ, J. “The role of customary law in arms limitation”, in J. Dahlitz and D. C. Dicke (eds.), *The International Law of Arms Control and Disarmament: Proceedings of the Symposium*, United Nations, 1991, 157–178.

D’ASPROMONT, J. “Théorie des sources — an autonomous regime of identification of customary international humanitarian law: do not say what you do or do not do what you say?”, in R. van Steenberghe (ed.), *Droit international humanitaire: un régime spécial de droit international?*, Bruylant, 2013, 73–101.

DINSTEIN, Y. “The ICRC customary international humanitarian law study”, *International Law Studies*, vol. 82 (2006), 99–112.

EMANUELLI, C. “L’étude du CICR sur le droit humanitaire coutumier: la coutume en question”, *Revue générale de droit international public*, vol. 110 (2006), 435–444.

ERAKAT, N. “The U.S. v. the Red Cross: customary international humanitarian law and universal jurisdiction”, *Denver Journal of International Law and Policy*, vol. 41 (2013), 225–272.

FLECK, D. “Die IKRK-Gewohnheitsrechtsstudie”, *Humanitäres Völkerrecht*, vol. 22 (2009), 120–124.

GREENWOOD, C. “Customary law status of the 1977 Geneva Protocols”, in A. J. M. Delissen and G. J. Tanja (eds.), *Humanitarian Law of Armed Conflict: Challenges Ahead — Essays in Honour of Frits Kalshoven*, Martinus Nijhoff, 1991, 93–114.

HAKIMI, M. “Custom’s method and process: lessons from humanitarian law”, in C. A. Bradley (ed.), *Custom’s Future: International Law in a Changing World*, Cambridge University Press, 2016, 148–171.

HENCKAERTS, J.-M. “International humanitarian law as customary international law”, *Refugee Survey Quarterly*, vol. 21 (2002), 186–193.

----- “Study on customary international humanitarian law: a contribution to the understanding and respect for the rule of law in armed conflict”, *International Review of the Red Cross*, vol. 87 (2005), 175–212.

----- and L. Doswald-Beck. *Customary International Humanitarian Law*, International Committee of the Red Cross, Cambridge University Press, 2005.

----- “Customary international humanitarian law: a response to US comments”, *International Review of the Red Cross*, vol. 89 (2007), 473–488.

HOFFMANN, T. “Dr. Opinio Juris and Mr. State Practice: the strange case of customary international humanitarian Law”, *Annales Universitatis Scientiarum Budapestinensis de Rolando Eotvos Nominatae Sectio Iuridica*, vol. 47 (2006), 373–394.

----- “The gentle humanizer of international law — Antonio Cassese and the creation of the customary law of non-international armed conflicts”, in C. Stahn and L. van den Herik (eds.), *Future Perspectives on International Criminal Justice*, TMC Asser Press, 2010, 58–80.

KILCUP, J. “Proportionality in customary international law: an argument against aspirational laws of war”, *Chicago Journal of International Law*, vol. 17 (2016), 244–272.

LAMBERT, H. “Temporary refuge from war: customary international law and the Syrian conflict”, *International and Comparative Law Quarterly*, vol. 66 (2017), 723–745.

LYNN HOGUE, L. “Identifying customary international law of war in Protocol I: a proposed restatement”, *Loyola of Los Angeles International and Comparative Law Journal*, vol. 13 (1990), 279–303.

MERON, T. “The Geneva Conventions as customary law”, *American Journal of International Law*, vol. 81 (1987), 348–370.

----- “The continuing role of custom in the formation of international humanitarian law”, *American Journal of International Law*, vol. 90 (1996), 238–249.

----- “Revival of customary humanitarian law”, *American Journal of International Law*, vol. 99 (2005), 817–834.

----- “Customary humanitarian law today: from the academy to the courtroom”, in A. Clapham and P. Gaeta (eds.), *The Oxford Handbook of International Law in Armed Conflict*, Oxford University Press, 2014, 37–49.

OND-TONYE, J. D. C. “Le droit de Genève dans l’étude du C.I.C.R. sur le droit international humanitaire coutumier: approche critique”, *Revue juridique et politique des états francophones*, vol. 70 (2016), 331–347.

POCAR, F. “To what extent is Protocol I customary international law?”, in A. E. Wall (ed.), *Legal and Ethical Lessons of NATO’s Kosovo Campaign*, Naval War College, 2002, 337–351.

POST, H. H. G. “The role of state practice in the formation of customary international humanitarian law”, in I. F. Dekker and H. H. G. Post (eds.), *On the Foundations and Sources of International Law*, T.M.C. Asser Press, 2003, 129–147.

SCHMITT, M. N. and S. Watts. “The decline of international humanitarian law *opinio juris* and the law of cyber warfare”, *Texas International Law Journal*, vol. 50 (2015), 189–231.

SHELDON, J. M. “Nuclear weapons and the laws of war: does customary international law prohibit the use of nuclear weapons in all circumstances?”, *Fordham International Law Journal*, vol. 20 (1996), 181–262.

SZPAK, A. “The Eritrea–Ethiopia Claims Commission and customary international humanitarian law”, *Journal of International Humanitarian Legal Studies*, vol. 4 (2013), 296–314.

WILMSHURST, E. and S. Breau (eds.). *Perspectives on the ICRC Study on Customary International Humanitarian Law*, Cambridge University Press, 2007.

WOOD, M. “The evolution and identification of the customary international law of armed conflict”, *Vanderbilt Journal of Transnational Law*, vol. 51 (2018), 727–736.

3. Customary international criminal law

AMBOS, K. and A. Timmermann. “Terrorism and customary international law”, in B. Saul (ed.), *Research Handbook on International Law and Terrorism*, Edward Elgar, 2014, 20–38.

ARAJÄRVI, N. “The role of the international criminal judge in the formation of customary international law”, *European Journal of Legal Studies*, vol. 1 (2007), 90–120.

----- . *The Changing Nature of Customary International Law: Methods of Interpreting the Concept of Custom in International Criminal Tribunals*, Routledge, 2014.

BRUUN, L. L. “Beyond the 1948 Convention: emerging principles of genocide in customary international law”, *Maryland Journal of International Law and Trade*, vol. 17 (1993), 193–226.

BUFALINI, A. “The principle of legality and the role of customary international law in the interpretation of the ICC Statute”, *Law and Practice of International Courts and Tribunals*, vol. 14 (2015), 233–254.

COHEN, R. “Regulating hate speech: nothing customary about it”, *Chicago Journal of International Law*, vol. 15 (2014), 229–255.

CZAPLIŃSKI, W. “Customary international law as a basis of an individual criminal responsibility”, in B. Krzan (ed.), *Prosecuting International Crimes: a Multidisciplinary Approach*, Brill, 2016, 53–69.

ESKELAND, S. “Gjeldende internasjonal strafferett — jus cogens, erga omnes, Nürnbergprinsippet og Den martenske klausul”, in *De mest alvorlige forbrytelser*, Cappelen Damm, 2011, 78–82.

FALKOWSKA, M. “La coutume dans les statuts et la jurisprudence des juridictions pénales internationales: vers l’émergence d’une nouvelle définition de la coutume internationale?”, in M. Arcari and L. Balmond (eds.), *Diversification des acteurs et dynamique normative en droit international*, Editoriale Scientifica, 2013, 159–194.

FRULLI, M. “The contribution of international criminal tribunals to the development of international law: the prominence of *opinio juris* and the moralization of customary law”, *Law and Practice of International Courts and Tribunals*, vol. 14 (2015), 80–93.

GALAND, A. S. “Approaching custom identification as a conflict avoidance technique: *Tadić* and *Kupreškić* revisited”, *Leiden Journal of International Law*, vol. 31 (2018), 403–429.

GAL-OR, N. “The formation of a customary international crime: global terrorism human (in)security”, *International Criminal Law Review*, vol. 15 (2015), 665–699.

KIRAKOSYAN, Y. “Finding custom: the ICJ and the international criminal courts and tribunals compared”, in L. van den Herik and C. Stahn (eds.), *The Diversification and Fragmentation of International Criminal Law*, Martinus Nijhoff, 2012, 149–161.

MACK, E. C. W. “Does customary international law obligate States to extradite or prosecute individuals accused of Committing Crimes Against Humanity?”, *Minnesota Journal of International Law*, vol. 24 (2015), 73–100.

MASSÉ, M. “Droit pénal international: la coutume internationale dans la jurisprudence de la Chambre criminelle: affaires *Kadhafi* et *Aussarès*”, *Revue de science criminelle et de droit pénal comparé*, vol. 4 (2003), 894–901.

MAY, L. “Custom, *opinio juris*, and consent”, in *Crimes Against Humanity: a Normative Account*, Cambridge University Press, 2004, 40–60.

METTRAUX, G. “Identifying customary international law and the role of judges in the customary process”, in *International Crimes and the Ad Hoc Tribunals*, Oxford University Press, 2006, 13–18.

O’KEEFE, R. “Customary international crimes in English courts”, *British Yearbook of International Law*, vol. 72 (2001), 293–335.

----- . *International Criminal Law*, Cambridge University Press, 2015.

PLESCH, D. and S. Sattler. “New paradigm of customary international criminal law: the UN War Crimes Commission of 1943–1948 and its associated courts and tribunals”, *Criminal Law Forum*, vol. 25 (2014), 17–43.

POCAR, F. “International criminal justice and the unifying role of customary law”, *Uniform Law Review*, vol. 21 (2016), 171–176.

RAUTER, T. *Judicial Practice, Customary International Criminal Law and Nullum Crimen Sine Lege*, Springer, 2017.

SCHABAS, W. “Customary law or ‘judge-made’ law: judicial creativity at the UN criminal tribunals”, in J. Doria, *et al.* (eds.), *The Legal Regime of the International Criminal Court: Essays in Honour of Professor Igor Blishchenko*, Martinus Nijhoff, 2009, 77–101.

SCHACK, M. and A. Kjeldgaard-Pedersen. “Striking the balance between custom and justice — creative legal reasoning by international criminal courts”, *International Criminal Law Review*, vol. 16 (2016), 913–934.

SCHLÜTTER, B. *Developments in Customary International Law: Theory and the Practice of the International Court of Justice and the International Ad Hoc Criminal Tribunals for Rwanda and Yugoslavia*, Martinus Nijhoff, 2010.

SINGER, I. “*Reductio ad absurdum*: the Kapo trial judgements contribution to international criminal law jurisprudence and customary international law”, *Criminal Law Forum*, vol. 24 (2013), 235–258.

VAN DEN HERIK, L. “Using custom to reconceptualize crimes against humanity”, in S. Darcy and J. Powderly (eds.), *Judicial Creativity at the International Criminal Tribunals*, Oxford University Press, 2010, 80–105.

----- . “The decline of customary international law as a source of international criminal law”, in C. A. Bradley (ed.), *Custom’s Future: International Law in a Changing World*, Cambridge University Press, 2016, 230–252.

VILLANUEVA SAINZ-PARDO, P. “Is child recruitment as a war crime part of customary international law?”, *International Journal of Human Rights*, vol. 12 (2008), 555–612.

4. *Customary international law on the use of force*

ARROCHA, P. “The never-ending dilemma: is the unilateral use of force by States legal in the context of humanitarian intervention?”, *Anuario Mexicano de Derecho Internacional*, vol. 11 (2011), 11–44.

BANKS, W. C. and E. J. Criddle. “Customary constraints on the use of force: Article 51 with an American accent”, *Leiden Journal of International Law*, vol. 29 (2016), 67–93.

BRISIBE, T. C. “Customary international law, arms control and the environment in outer space”, *Chinese Journal of International Law*, vol. 8 (2009), 375–393.

CANNIZZARO, E. and P. Palchetti (eds.). *Customary International Law and the Use of Force: a Methodological Approach*, Martinus Nijhoff, 2005.

CONSTANTINOU, A. *The Right of Self-Defence under Customary International Law and Article 51 of the United Nations Charter*, Bruylant, 2000.

CORTEN, O., *Le droit contre la guerre*, 2nd ed., Pedone, 2014, 9–63.

----- and F. Dubuisson. “L’hypothèse d’une règle émergente fondant une intervention militaire sur une ‘autorisation implicite’ du Conseil de sécurité”, *Revue générale de droit international public*, vol. 104 (2000), 873–910.

KOPLow, D. A. “ASAT-isfaction: customary international law and the regulation of anti-satellite weapons”, *Michigan Journal of International Law*, vol. 30 (2009), 1187–1272.

MAGENIS, S. D. “Natural law as the customary international law of self-defence”, *Boston University International Law Journal*, vol. 20 (2002), 413–435.

MENDELSON, M. H. “The *Nicaragua* case and customary international law”, in W. E. Butler (ed.), *The Non-Use of Force in International Law*, Martinus Nijhoff, 1989, 85–99.

MORKYTE, D. “International law as a legal basis for unilateral humanitarian intervention”, *Hague Yearbook of International Law*, vol. 24 (2011), 121–152.

PINTO, M. “La coutume et le droit international relatif à l’emploi de la force”, United Nations Audiovisual Library of International Law, available from http://legal.un.org/avl/ls/Pinto_PS.html.

RIJKEMA, P. R. “Customary international law in the *Nicaragua* case”, *Netherlands Yearbook of International Law*, vol. 20 (1989), 91–116.

RUYS, T. *“Armed Attack” and Article 51 of the UN Charter: Evolutions in Customary Law and Practice*, Cambridge University Press, 2010.

SCHREIBER, R. E. “Ascertaining *opinio juris* of States concerning norms involving the prevention of international terrorism: a focus on the U.N. process”, *Boston University International Law Journal*, vol. 16 (1998), 309–330.

WALDOCK, C. H. M. “The regulation of the use of force by individual States in international law”, *Collected Courses of the Hague Academy of International Law*, vol. 81 (1951), 451–517.

WILMSHURST, E. “The crime of aggression: custom, treaty and prospects for international prosecution”, in I. Buffard, *et al.* (eds.), *International Law between Universalism and Fragmentation: Festschrift in Honour of Gerhard Hafner*, Martinus Nijhoff, 2008, 603–623.

ZAJADŁO, J. “Humanitarian intervention: threat to international order, moral imperative, or customary norm in *statu nascendi*?”, *Polish Yearbook of International Law*, vol. 27 (2004/2005), 33–48.

5. Customary international law of treaties

CORTEN, O. and P. Klein, (eds.). *The Vienna Conventions on the Law of Treaties: a Commentary*, Oxford University Press, 2011.

DISTEFANO, G., G. Gaggioli, and A. Hêche, (eds.). *La convention de Vienne de 1978 sur la succession d’États en matière de traités*, Bruylant, 2016.

MERKOURIS, P. “Interpreting the customary rules on interpretation”, *International Community Law Review*, vol. 19 (2017), 126–155.

SINCLAIR, I. *The Vienna Convention on the Law of Treaties*, 2nd ed., Manchester University Press, 1984, 1–28.

VIERDAG, E. W. “The law governing treaty relations between parties to the Vienna Convention on the Law of Treaties and States not party to the Convention”, *American Journal of International Law*, vol. 76 (1982), 779–801.

6. Customary international law of international immunities

CUNIBERTI, G. “Droit international coutumier et régime de l’immunité diplomatique”, *Journal du droit international*, vol. 2 (2012), 668–676.

FRULLI, M. “On the existence of a customary rule granting functional immunity to state officials and its exceptions: back to square one”, *Duke Journal of Comparative & International Law*, vol. 26 (2016), 479–502.

PEDRETTI, R. *Immunity of Heads of State and State Officials for International Crimes*, Brill, 2014.

SANGER, A. and M. Wood. “The immunities of members of special missions” (6 March 2018), available from <https://ssrn.com/abstract=3135386> or <http://dx.doi.org/10.2139/ssrn.3135386>.

VYLEGZHANIN, A. N. and N. A. Churilina. “Международно-правовые основания юрисдикционного иммунитета государств”, *Moscow Journal of International Law*, vol. 98 (2015), 35–47.

WOOD, M. “The immunity of official visitors”, *Max Planck Yearbook of United Nations Law*, vol. 16 (2012), 35–98.

----- “Do international organizations enjoy immunity under customary international law?”, *International Organizations Law Review*, vol. 10 (2013), 287–318, reproduced in N. Blokker and N. Schrijver (eds.), *Immunity of International Organizations*, Brill Nijhoff, 2015, 29–60.

7. Customary international law of international responsibility

ALVAREZ-JIMÉNEZ, A. “New approaches to the state of necessity in customary international law: insights from WTO law and foreign investment law”, *American Review of International Arbitration*, vol. 19 (2008), 463–488.

BRUGNATELLI, S. “Human rights judicial and semi-judicial bodies and customary international law on state responsibility”, in N. Boschiero, *et al.* (eds.), *International Courts and the Development of International Law: Essays in Honour of Tullio Treves*, Asser Press, 2013, 475–487.

CRAWFORD, J. *State Responsibility: the General Part*, Cambridge University Press, 2013.

HEATHCOTE, S. “Est-ce que l’état de nécessité est un principe de droit international coutumier?”, *Revue belge de droit international*, vol. 40 (2007), 53–89.

VERDIER, P.-H. “Cooperative States: international relations, state responsibility and the problem of custom”, *Virginia Journal of International Law*, vol. 42 (2002), 839–867.

WOOD, M. “‘Weighing’ the articles on responsibility of international organizations”, in M. Ragazzi (ed.), *The Responsibility of International Organizations: Essays in Memory of Sir Ian Brownlie*, Brill Nijhoff, 2013, 55–66.

8. Customary international law of the sea

ARROW, D. W. "The customary norm process and the deep seabed, ocean development and international law", *Journal of Marine Affairs*, vol. 9 (1981), 1–59.

BANGERT, K. "Internal waters: customary rules of the extension of internal waters", *Nordic Journal of International Law*, vol. 61 (1992), 43–60.

BARRY, I. P. "The right of visit, search and seizure of foreign flagged vessels on the high seas pursuant to customary international law: a defense of the Proliferation of Security Initiative", *Hofstra Law Review*, vol. 33 (2014), 299–330.

BERNHARDT, R. "Verfall und Neubildung von Gewohnheitsrecht im Meeresvölkerrecht", in H. P. Ipsen and K. H. Necker (eds.), *Recht über See. Festschrift für Rolf Stöder zum 70. Geburtstag am 22.4.1979*, Springer, 1979, 155–166.

----- "Custom and treaty in the law of the sea", *Collected Courses of the Hague Academy of International Law*, vol. 205 (1987), 251–330.

BURKE, W. T. "Customary law of the sea: advocacy or disinterested scholarship?", *Yale Journal of International Law*, vol. 14 (1989), 508–527.

CHIGARA, B. "The International Tribunal for the Law of the Sea and customary international law", *Loyola of Los Angeles International and Comparative Law Review*, vol. 22 (2000), 433–452.

HUTCHINSON, D. N. "The seaward limit to continental shelf jurisdiction in customary international law", *British Year Book of International Law*, vol. 56 (1985), 111–188.

JIMÉNEZ DE ARÉCHAGA, E. "Customary international law and the Conference on the Law of the Sea", in J. Makarczyk (ed.), *Essays in International Law in Honour of Judge Manfred Lachs*, Martinus Nijhoff, 1984, 575–585.

KOLODKIN, A. and A. Zakharov. "The UN Convention on the Law of the Sea and customary law", in J. M. Van Dyke (ed.), *Consensus and Confrontation: the United States and the Law of the Sea Convention*, Law of the Sea Institute, 1985, 166–168.

KRONMILLER, T. G. *The Lawfulness of Deepsea Mining*, Oceana, 1980.

LARSON, D. L. "Conventional, customary, and consensual law in the United Nations Convention on the Law of the Sea", *Ocean Development and International Law*, vol. 25 (1994), 75–85.

LAYLIN, J. G. "Emerging customary law of the sea", *International Lawyer*, vol. 10 (1976), 669–680.

LEE, L. T. "The Law of the Sea Convention and third States", *American Journal of International Law*, vol. 77 (1983), 541–568.

LEE, M. L. "The interrelation between the Law of the Sea Convention and customary international law", *San Diego International Law Journal*, vol. 7 (2006), 405–420.

LE FLOCH, G. "La coutume dans la jurisprudence de la Cour internationale de Justice en droit de la mer", *Revue juridique de l'Ouest*, vol. 14 (2001), 535–573.

MACRAE, L. M. "Customary international law and the United Nations' Law of the Sea Treaty", *California Western International Law Journal*, vol. 13 (1983), 181–222.

MAHMOUDI, S. "Customary international law and transit passage", *Ocean Development and International Law*, vol. 20 (1989), 157–174.

MOORE, J. N. "Customary law after the Convention", in R. Krueger and S. Riesenfeld (eds.), *The Developing Law of the Oceans*, Law of the Sea Institute, 1985, 412–449.

- OXMAN, B. H. “Customary international law in the absence of widespread ratification of the U.N. Convention on the Law of the Sea”, in A.W. Koers and B.H. Oxman (eds.), *The 1982 Convention on the Law of the Sea*, Law of the Sea Institute, 1983, 668–680.
- PAZARCI, H. “Concept de zone contigue dans la Convention sur le droit de la mer de 1982”, *Revue belge de droit international*, vol. 18 (1984), 249–271.
- PESCHUROV, I. S. “Режим дна Северного Ледовитого океана согласно международному обычному праву”, *Moscow Journal of International Law*, vol. 95 (2014), 145–170.
- ROACH, J. A. “Today’s customary international law of the sea”, *Ocean Development and International Law*, vol. 45 (2014), 239–259.
- RUIZ FABRI, H. “Règles coutumières générales et droit international fluvial”, *Annuaire français de droit international*, vol. 36 (1990), 818–842.
- SCHWEISFURTH, T. “The influence of the Third United Nations Conference on the Law of the Sea on international customary law”, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, vol. 43 (1983), 566–584.
- SLOUKA, Z. J. *International Custom and the Continental Shelf: a Study in the Dynamics of Customary Rules of International Law*, Springer, 1968.
- SOHN, L. “The law of the sea: customary international law developments”, *American University Law Review*, vol. 34 (1985), 271–280.
- TALAIE, F. “Final chapter in a conflict over the breadth of the territorial sea: recognition of the twelve nautical mile limit as declaratory of customary international law”, *Indian Journal of International Law*, vol. 36 (1996), 36–63.
- TREVES, T. “Appunti sull’influenza sull diritto consuetudinario della Terza Conferenza delle Nazioni Unite sul diritto del mare”, in *Studi in onore di Giuseppe Sperduti*, Giuffrè, 1984, 333–343.
- “Notes on transit passage through straits and customary law”, in A. Bos and H. Siblez (eds.), *Realism in Law-Making: Essays in International Law in Honour of Willem Riphagen*, Martinus Nijhoff, 1986, 247–259.
- “Codification du droit international et pratique des Etats dans le droit de la mer”, *Collected Courses of the Hague Academy of International Law*, vol. 223 (1990) 9–302.
- and X. Hinrichs. “The International Tribunal for the Law of the Sea and customary international law”/“Le Tribunal international du droit de la mer et le droit international coutumier”, in L. Lijnzaad and Council of Europe (eds.), *The Judge and International Custom*, Brill Nijhoff, 2016, 25–45.
- WOLFRUM, R. “The emerging customary law of marine zones: state practice and the Convention on the Law of the Sea”, *Netherlands Yearbook of International Law*, vol. 18 (1987), 121–144.
- WOOD, M. “Le rôle contemporain du droit international coutumier”, in M. Forteau and J.-M. Thouvenin (eds.), *Traité de droit international de la mer*, Pedone, 2017, 68–77.
- ZHUDRO, I. S. “К вопросу о роли международных обычаев в формировании правового режима Арктики”, *Kazan Journal of International Law and International Relations*, vol. 7 (2015), 202–204.

9. Customary international law and outer space, polar regions, international watercourses, as well as cyberspace

BROWN, G. and K. Poellet. “The customary international law of cyberspace”, *Strategic Studies Quarterly*, vol. 6 (2012), 126–145.

DANILENKO, G. M. “Space activities and customary law of environmental protection”, in K. H. Böckstiegel (ed.), *Environmental Aspects of Activities in Outer Space: State of Law and Measures of Protection*, Carl Heymanns Verlag, 1990, 169–180.

FRWEIN, J. A. “Customary international law and general principles concerning environmental protection in outer space”, in K. H. Böckstiegel (ed.), *Environmental Aspects of Activities in Outer Space: State of Law and Measures of Protection*, Carl Heymanns Verlag, 1990, 163–167.

JENNINGS, R. “Customary law and general principles of law as sources of space law”, in K. H. Böckstiegel (ed.), *Environmental Aspects of Activities in Outer Space: State of Law and Measures of Protection*, Carl Heymanns Verlag, 1990, 149–152.

KOLOSOV, Y. M. and M. R. Yuzbashyan. “Вклад российской (советской) юриспруденции в становление и развитие международного космического права”, *Moscow Journal of International Law*, vol. 98 (2015), 12–31.

MARCOFF, M. G. “Sources du droit international de l’espace”, *Collected Courses of the Hague Academy of International Law*, vol. 168 (1980), 56–72.

POLAŃSKI, P. P. “Cyberspace: a new branch of international customary law?”, *Computer Law and Security Review*, vol. 33 (2017), 371–381.

RAUSCHNING, D. “Customary international law and general principles of international law concerning the protection of outer space from pollution?”, in K. H. Böckstiegel (ed.), *Environmental Aspects of Activities in Outer Space: State of Law and Measures of Protection*, Carl Heymanns Verlag, 1990, 181–186.

SCHWABACH, A. “The United Nations Convention on the Law of Non-navigational Uses of International Watercourses, customary international law, and the interests of developing upper riparians”, *Texas International Law Journal*, vol. 33 (1998), 257–279.

VERESHCHETIN, V. S. and G. M. Danilenko. “Custom as a source of international law of outer space”, *Journal of Space Law*, vol. 13 (1985), 22–35.

10. Customary international law and the environment

BODANSKY, D. “Customary (and not so customary) international environmental law”, *Indiana Journal of Global Legal Studies*, vol. 3 (1995), 105–119.

BROWNLIE, I. “A survey of international customary rules of environmental protection”, *Natural Resources Journal*, vol. 13 (1973), 179–189.

CARR, C. L. and G. I. Scott. “Multilateral treaties and the environment: a case study in the formation of customary international law”, *Denver Journal of International Law and Policy*, vol. 27 (1999), 313–335.

DEL LUJAN FLORES, M. “The scope of customary international law on the question of liability and compensation for environmental damage”, in N. Al-Nauimi and R. Meese (eds.), *International Legal Issues Arising Under the United Nations Decade of International Law*, Martinus Nijhoff, 1995, 237–272.

DUPUY, P.-M. “Overview of existing customary legal regime regarding international pollution”, in D. B. Magraw (ed.), *International Law and Pollution*, University of Pennsylvania Press, 1991, 61–89.

-----, “Formation of customary international law and general principles”, in D. Bodansky, J. Brunnée and E. Hey (eds.), *The Oxford Handbook of International Environmental Law*, Oxford University Press, 2007, 449–466.

EBBESSON, J. “Sedvanerätt och allmänna principer”, in *Internationell miljö rätt*, 2nd ed., Iustus Förlag, 2000, 29–30.

KISS, A. “La contribution de la Conference de Rio de Janeiro au développement du droit international coutumier”, in N. Al-Nauimi and R. Meese (eds.), *International Legal Issues Arising Under the United Nations Decade of International Law*, Martinus Nijhoff, 1995, 1079–1092.

KOESTER, V. “International miljøret som sædvaneret”, in *International miljøret — fra rammerne til reglerne*, Jurist- og Økonomforbundets Forlag, 2016, 595–629.

MCINTYRE, O. “The role of customary rules and principles of international environmental law in the protection of shared international freshwater resources”, *Natural Resources Journal*, vol. 46 (2006), 157–210.

RUUD, M., G. Ulfstein and O. K. Fauchald. “Forholdet mellom traktatrett og sedvanerett”, in *Utvalgte emner i folkerett: Metode — miljø — havrett — handel*, Aschehoug, 1997, 17–24 and 35–39.

SPIEKER, H. *Völkergewohnheitsrechtlicher Schutz der natürlichen Umwelt im internationalen bewaffneten Konflikt*, Brockmeyer, 1992.

VIÑUALES, J. E. “La protección ambiental en el derecho consuetudinario internacional”, *Revista Española de Derecho Internacional*, vol. 69 (2017), 71–91.

11. Customary international law and international investment

AL FARUQUE, A. “Creating customary international law through bilateral investment treaties: a critical appraisal”, *Indian Journal of International Law*, vol. 44 (2004), 292–318.

ALVAREZ, J. E. “A BIT on custom”, *Journal of International Law and Politics*, vol. 42 (2009), 17–80.

ALVAREZ-JIMÉNEZ, A. “Minimum standard of treatment of aliens, fair and equitable treatment of foreign investors, customary international law and the *Diallo* case before the International Court of Justice”, *Journal of World Investment & Trade*, vol. 9 (2008), 51–70.

ALVAREZ-JIMÉNEZ, A. “Foreign investment protection and regulatory failures as States’ contribution to the state of necessity under customary international law: a new approach based on the complexity of Argentina’s 2001 crisis”, *Journal of International Arbitration*, vol. 27 (2010), 141–177.

AUDIT, M. and M. Forteau. “Investment arbitration without BIT: toward a foreign investment customary based arbitration?”, *Journal of International Arbitration*, vol. 29 (2012), 581–604.

BISMUTH, R. “Customary principles regarding public contracts concluded with foreigners”, in M. Audit and S. Schill (eds.), *Transnational Law of Public Contracts*, Bruylant, 2016, 321–350.

BRING, O. E. “The impact of developing States on international customary law concerning protection of foreign property”, *Scandinavian Studies in Law*, vol. 24 (1980), 97–132.

CONGYAN, C. “International investment treaties and the formation, application and transformation of customary international law rules”, *Chinese Journal of International Law*, vol. 7 (2008), 659–679.

D’ASPREMONT, J. “International customary investment law: story of a paradox”, in T. Gazzini and E. De Brabandere (eds.), *International Investment Law: the Sources of Rights and Obligations*, Martinus Nijhoff, 2012, 5–47.

DOLZER, R. and A. von Walter. “Fair and equitable treatment — lines of jurisprudence on customary law”, in F. Ortino (ed.), *Investment Treaty Law: Current Issues*, vol. II (2007), 99–115.

DUMBERRY, P. “Are BITs representing the ‘new’ customary international law in international investment law?”, *Pennsylvania State International Law Review*, vol. 28 (2010), 675–702.

----- “The legal standing of shareholders before arbitral tribunals: has any rule of customary international law crystallised?”, *Michigan State Journal of International Law*, vol. 18 (2010), 353–374.

----- *The Formation and Identification of Rules of Customary International Law in International Investment Law*, Cambridge University Press, 2016.

----- “The role and relevance of awards in the formation, identification and evolution of customary rules in international investment law”, *Journal of International Arbitration*, vol. 33 (2016), 269–288.

----- “Has the fair and equitable treatment standard become a rule of customary international law?”, *Journal of International Dispute Settlement*, vol. 8 (2017), 155–178.

FORTEAU, M. “La contribution au développement du droit international général de la jurisprudence arbitrale relative aux investissements étrangers”, *Anuário Brasileiro de Direito Internacional*, vol. 4 (2009), 11–39.

GAZZINI, T. “The role of customary international law in the field of foreign investment”, *Journal of World Investment and Trade*, vol. 8 (2008), 691–715.

HINDELANG, S. “Bilateral investment treaties, custom and a healthy investment climate: the question of whether BITs influence customary international law revisited”, *Journal of World Investment and Trade*, vol. 5 (2004), 789–809.

KILL, T. “Don’t cross the streams: past and present overstatement of customary international law in connection with conventional fair and equitable treatment obligations”, *Michigan Law Review*, vol. 106 (2008), 853–880.

KISHOIYIAN, B. “The utility of bilateral investment treaties in the formulation of customary international law”, *Northwestern Journal of International Law and Business*, vol. 14 (1993), 327–375.

LEE, L. J. “*Barcelona Traction* in the 21st century: revisiting its customary and policy underpinnings 35 years later”, *Stanford Journal of International Law*, vol. 42 (2006), 237–289.

MCLACHLAN, C. “Investment treaties and general international law”, *International and Comparative Law Quarterly*, vol. 57 (2008), 361–401.

----- “Is there an evolving customary international law on investment?”, *ICSID Review*, vol. 31 (2016), 257–269.

MILANO, E. “The investment arbitration between Italy and Cuba: the application of customary international law under scrutiny”, *Law and Procedure of International Courts and Tribunals*, vol. 11 (2012), 499–524.

ORREGO VICUÑA, F. “Customary international law in action: from the international minimum standard to fair and equitable treatment”, in H. P. Hestermeyer, *et al.* (eds.), *Coexistence, Cooperation and Solidarity: Liber Amicorum Rüdiger Wolfrum*, Brill, 2012, 181–197.

PARLETT, K. “Claims under customary international law in ICSID arbitration”, *ICSID Review*, vol. 31 (2016), 434–456.

PORTERFIELD, M. C. “State practice and the (purported) obligation under customary international law to provide compensation for regulatory expropriations”, *North Carolina Journal of International Law and Commercial Regulation*, vol. 37 (2011), 159–197.

REISMAN, W. M. “Canute confronts the tide: States versus tribunals and the evolution of the minimum standard in customary international law”, *ICSID Review*, vol. 30 (2015), 616–634.

VIÑUALES, J. E. “Customary law in investment regulation”, *Italian Yearbook of International Law*, vol. 23 (2013), 23–48.

12. *Customary international law and international finance*

BOHOSLAVSKY, J. P., Y. Li and M. Sudreau. “Emerging customary international law in sovereign debt governance?”, *Capital Markets Law Journal*, vol. 9 (2013), 55–72.

DODGE, W. S. “Corporate liability under customary international law”, *Georgetown Journal of International Law*, vol. 43 (2012), 1045–1051.

LIM, C. L. “The strange vitality of custom in the international protection of contracts, property, and commerce”, in C. A. Bradley (ed.), *Custom’s Future: International Law in a Changing World*, Cambridge University Press, 2016, 205–229.

MEVORACH, I. “Modified universalism as customary international law”, in *The Future of Cross-Border Insolvency: Overcoming Biases and Closing Gaps*, Oxford University Press, 2018, 80–126.

THOMAS, S. “Customary international law and state taxation of corporate income: the case for the separate accounting method”, *Berkley Journal of International Law*, vol. 14 (1996), 99–136.

WAIBEL, M. “Out of thin air?: Tracing the origins of the UNCTAD Principles in customary international law”, in C. Esposito, *et al.* (eds.), *Sovereign Financing and International Law: the UNCTAD Principles on Responsible Sovereign Lending and Borrowing*, Oxford University Press, 2013, 87–112.

ZAMORA, S. “Is there customary international economic law?”, *German Yearbook of International Law*, vol. 32 (1989), 9–42.

13. *Customary international trade law*

COOK, G. *A Digest of WTO Jurisprudence on Public International Law Concepts and Principles*, Cambridge University Press, 2015, 237–241.

ZIN, S. M. and A. U. S. Kazi. “The role of customary international law in the World Trade Organisation (WTO) disputes settlement mechanism”, *International Journal of Public Law and Policy*, vol. 2 (2012), 229–262.