STJ00106523

## THE PERFORMANCE OF INTERNATIONAL COURTS AND TRIBUNALS

Edited by

THERESA SQUATRITO University of Liverpool

ORAN R. YOUNG University of California, Santa Barbara

ANDREAS FOLLESDAL University of Oslo

> GEIR ULFSTEIN University of Oslo



,

STJ00106523

1128285

## CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India

79 Anson Road, #06-04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org Information on this title: www.cambridge.org/9781108425698 DOI: 10.1017/9781108348768

© Cambridge University Press 2018

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2018

Printed in the United Kingdom by Clays, St Ives plc

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data Names: Squatrito, Theresa, editor. | Young, Oran R., editor. | Føllesdal, Andreas, editor. | Ulfstein, Geir, 1951– editor. Title: The performance of international courts and tribunals / edited by Theresa Squatrito, University of Liverpool; Oran Young, University of California, Santa Barbara; Andreas Føllesdal, University of Oslo; Geir Ulfstein, University of Oslo. Description: Cambridge [UK] ; New York, NY : Cambrdige University Press, 2018. | Series: Studies on international courts and tribunals Identifiers: LCCN 2017051170 | ISBN 9781108425698 Subjects: LCSH: International courts. Classification: LCC KZ6250 .P45 2018 | DDC 341.5/5–dc23 LC record available at https://lccn.loc.gov/2017051170

ISBN 978-1-108-42569-8 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

## CONTENTS

List of Figures page vii List of Tables viii List of Maps ix List of Contributors x Acknowledgments xvi List of Abbreviations xvii

INTRODUCTION 1

1 A Framework for Evaluating the Performance of International Courts and Tribunals 3 THERESA SQUATRITO, ORAN R. YOUNG, ANDREAS FOLLESDAL, AND GEIR ULFSTEIN

PART I 37

- 2 Court Performance within the Multilateral Trade Regime 39 COSETTE D. CREAMER AND ANTON STREZHNEV
- 3 Performance of Investment Treaty Arbitration 77 DANIEL BEHN 77
- 4 Performance of Regional Human Rights Courts 114 DINAH SHELTON
- 5 Performance of International Criminal Courts and Tribunals 154 NOBUO HAYASHI

PART II 191

6 Assessing the International Criminal Court 193 HYERAN JO, MITCHELL RADTKE, AND BETH A. SIMMONS

v

## CONTENTS

- 7 How the Fragmentation of the International Judiciary Affects the Performance of International Judicial Bodies 234 BENJAMIN FAUDE
- 8 International Judicial Performances and the Performance of International Courts 261 JEFFREY L. DUNOFF AND MARK A. POLLACK
- 9 International Courts' Socialization Strategies for Actual and Perceived Performance 288 NICOLE DE SILVA
- 10 What Happens after a Judgment is Given? Judgment Compliance and the Performance of International Courts and Tribunals 324 CHIARA GIORGETTI
- Problem-Solving Structure and International Courts and Tribunals: Lessons from the Study of International Regimes 351
  STEINAR ANDRESEN

PART III 371

- 12 Measurement and Methods: Opportunities for Future Research 373 THERESA SQUATRITO
- 13 What We Know So Far 406 ORAN R. YOUNG, THERESA SQUATRITO, ANDREAS FOLLESDAL, AND GEIR ULFSTEIN

Index 434

vi