

CONTENTS

<i>Notes on Contributors</i>	ix
<i>Preface</i>	xv
<i>List of Abbreviations</i>	xviii
<i>Table of Cases</i>	xxiii
<i>Table of Treaties and International Documents</i>	xxxiv

PART I Theoretical Approaches to CIL and Its Interpretation

- 1 The Illusion of Gold-Digging: Interpretation of State Practice
PAULINE WESTERMAN 3
- 2 Addressing the Chronological Paradox of CIL: From Good Faith to *Opinio Juris*, and *Opinio Juris* to New Customary Rules
HENRIQUE MARCOS 24
- 3 Interpreting the Plural Sources of CIL
HARLAN GRANT COHEN 51
- 4 Interpretation Dynamics in CIL: An Entropic Approach
ELENI MICHA 77

PART II Methods of CIL Interpretation in International Courts: Tools of the Trade

- 5 The Application of Logic and Reason in CIL Identification and Interpretation
WILLIAM THOMAS WORSTER 105
- 6 The Interpretation of 'Direction or Control' in Investor-State Arbitration: The Case of State-Owned Enterprises
PAULA BALDINI MIRANDA DA CRUZ 130

- 7 The Court of Justice of the EU and CIL Interpretation:
Close Encounters of a Third Kind?
TAMÁS MOLNÁR 156
- 8 Judicial Effectiveness or Judicial Ambiguity: Is CIL
Identification an Instrument for Judicial Activism
in Excess?
LEONI AYOUB 186
- 9 Judicial Dialogue between International Courts in the
Interpretation of Customary International Human
Rights Law
SILVIANA COCAN 211
- PART III **CIL and Its Interpretation in the
Normative Universe: Drifting towards
Coherence?**
- 10 General Principles of Law and the Interpretation of CIL
CRAIG EGGETT 239
- 11 Interpretation of Customary Rules by Reference
to Treaties and General Principles of Law
MARINA FORTUNA 263
- 12 Reconciling Conflicting Norms of CIL: Towards
a Method of Practical Concordance at the ICJ
RAPHAEL OIDTMANN 281
- 13 Indicators of Coherence and the Interpretation of CIL
CHARALAMPOS GIANNAKOPOULOS 299
- Bibliography* 326
Index 353