

# UNITED STATES HEGEMONY AND THE FOUNDATIONS OF INTERNATIONAL LAW

Edited by
MICHAEL BYERS
GEORG NOLTE



#### CONTENTS

List of contributors page viii

Preface xv

Introduction: the complexities of foundational change 1
MICHAEL BYERS

## PARTI International community

The international community, international law, and the United States: three in one, two against one, or one and the same? 25

- The influence of the United States on the concept of the "International Community" 57

  ANDREAS PAULUS
- 3 Comments on chapters 1 and 2 91
  MARTTI KOSKENNIEMI, STEVEN RATNER, AND
  VOLKER RITTBERGER

## PART II Sovereign equality

4 Sovereign equality – "the Wimbledon sails on" 117

- 5 More equal than the rest? Hierarchy, equality and US predominance in international law 135
- 6 Comments on chapters 4 and 5 176
  PIERRE-MARIE DUPUY, MATTHIAS HERDEGEN, AND
  GREGORY H. FOX

#### PART III Use of force

- 7 The use of force by the United States after the end of the Cold War, and its impact on international law 197
  MARCELO G. KOHEN
- Bending the law, breaking it, or developing it? The
   United States and the humanitarian use of force in the
   post-Cold War era
   BRAD R. ROTH
- 9 Comments on chapters 7 and 8 264
  THOMAS FRANCK, JOCHEN ABR. FROWEIN, AND
  DANIEL THÜRER

#### PARTÍV

### Customary international law

- Powerful but unpersuasive? The role of the United States in the evolution of customary international law 287
  STEPHEN TOOPE
- 11 Hegemonic custom? 317
  ACHILLES SKORDAS
- 12 Comments on chapters 10 and 11 348
  RAINER HOFMANN, ANDREW HURRELL, AND
  RÜDIGER WOLFRUM

#### PART V Law of treaties

The effects of US predominance on the elaboration of treaty regimes and on the evolution of the law of treaties 363

#### CONTENTS

US reservations to human rights treaties: all for one and none for all? 392

15 Comments on chapters 13 and 14 416

JOST DELBRÜCK, ALAIN PELLET, AND BRUNO SIMMA

## PART VI Compliance

- 16 The impact on international law of US noncompliance 427
  SHIRLEY V. SCOTT
- 17 Compliance: multilateral achievements and predominant powers 456
  PETER-TOBIAS STOLL
- 18 Comments on chapters 16 and 17 477

  VAUGHAN LOWE, DAVID M. MALONE, AND

  CHRISTIAN TOMUSCHAT

  Conclusion 491

GEORG NOLTE

Index 515