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BIBLIOGRAPHY

MONOGRAPHS

- Rahvusvahelisest õigusest (On International Law), Tartu: Ilmamaa, 2024. (Forthcoming; manuscript submitted to the publisher).
- Russian Approaches to International Law, Oxford University Press, 2015.
- The Estonian translation of this book was published by Tartu University Press in 2016 and the Polish one by the Centrum Polsko-Rosyjskiego Dialogu i Porozumenia in 2022.
- "Illegal Annexation and State Continuity: The Case of the Incorporation of the Baltic States by the USSR. A Study of the Tension between Normativity and Power in International Law", Leiden/Boston: Brill, 2nd edition, 2022. (1st edition 2003).
- The Estonian and Russian translations of this book were published by Tartu University Press in 2005, the Lithuanian one by the Genocide and Resistance Research Centre of Lithuania in 2021.
- Rahvusvaheline õigus Eestis: ajalugu ja poliitika (International Law in Estonia: History and Politics), Tallinn: Juura, 2008.

EDITED BOOKS

- The Oxford Handbook of International Law in Europe, A. van Aaken, P. d'Argent, L. Mälksoo, J. Vasel (eds) Oxford: Oxford University Press, 2024 (forthcoming in August 2024).
- Russia and the European Court of Human Rights: The Strasbourg Effect, L. Mälksoo and W. Benedek (eds.), Cambridge University Press, 2017.
- Russia and European Human-Rights Law: The Rise of the Civilizational Argument, L.
 Mälksoo (ed.), Leiden/Boston: Brill, 2014.
- Põhiseaduse kommentaarid (Commentaries to the Estonian Constitution, general editor Ü. Madise), member of the editorial board and responsible editor/author of the chapter on treaties and foreign relations, 5th edition, Tallinn: Juura, 2020. Similarly, editor and author in earlier editions.

- Baltic Yearbook of International Law (Brill). Several Baltic Yearbooks contain symposia which I have organized and for which I have been the main editor, e.g. in 2022 (Estonian tradition of international law; non-Western approaches to cyber and international law), 2015 (The approaches of liberal and illiberal states to international law), 2014 (Low intensity cyber operations and international law), 2007 (History of international law and its scholarship in Central and Eastern Europe).
- Rahvusvahelise õiguse lepingud (International Treaties), Tallinn: Juura, 2006.

ARTICLES AND CHAPTERS IN BOOKS

- "The Historiography of International Law in Russia and Its Successor States", in Randall Lesaffer, Anne Peters (eds.) The Cambridge History of International Law, Vol I, CUP, forthcoming in May 2024.
- "The Rise and Fall of Regional International Law in Post-Soviet Eurasia", 66 *Japanese Yearbook of International Law* 2023. (Forthcoming in February 2024).
- Nussberger, L. Mälksoo ,Völkerrecht à la russe. Multipolarität versus Universalität', 73
 Osteuropa 2023, No 7-9, pp 193-208.
- "States, Sovereign Equality", co-authored by Juliane Kokott and Lauri Mälksoo, *Max Planck Encyclopedia of International Law*, ed. by Anne Peters and Rüdiger Wolfrum, OUP, 2023.
- 'Resolutions ES-11/4 Territorial Integrity of Ukraine: Defending the Principles of the Charter of the United Nations (U.N.G.A.)', *International Legal Materials*, March 2023, pp 1-4.
- "The Contested Politics of History in International Law: A Reply to Anne Orford", 36 Temple International and Comparative Law 2022, pp 117-127.
- "The Legacy of F.F. Martens and the Shadow of Colonialism", 21 *Chinese Journal of International Law* 2022, pp 55-77.
- "The Estonian Tradition of International Law", 20 Baltic Yearbook of International Law 2021, pp 1-6.
- "Post-Soviet Eurasia, uti possidetis and the Clash Between Universal and Russian-led Regional Understandings of International Law", 53 New York University Journal of International Law and Politics 2021, pp 787-822.
- "Russia's 2020 Constitutional Amendments and International Law", 115 American Journal of International Law 2021 No 1, pp 78-93.
- "The Russian Concept of International Law as Imperial Legacy", in P. Hilpold (ed.) European International Law Traditions, Heidelberg: Springer, 2021, pp 261-277.
- "The European Court of Human Rights and the Qualification of Soviet Crimes in the Baltic States", 39 *Human Rights Law Journal* 2019, pp 19-22.
- "The Treaties of Brest-Litovsk, Versailles and Moscow: Contesting Sovereignty and Hegemony in Eastern Europe in 1919-1939", 62 German Yearbook of International Law 2019, pp 189-209.

- "The Annexation of Crimea and Balance of Power in International Law", 30 *European Journal of International Law* 2019 No 1, pp 303-319.
- "Civilizational Diversity as Challenge to the (False) Universality of International Law", 9 *Asian Journal of International Law* 2019, pp 155-164.
- "A Necessary Voice: Small States, International Law, and the UN Security Council" (in co-authorship with Adam Lupel), New York: International Peace Institute (IPI), 2019.
- "The European Court of Human Rights and the Qualification of Soviet Crimes in the Baltic States", 39 *Human Rights Law Journal* 2019, pp 19-22.
- "ONUMA Yasuaki (1946-2018)", 21 Journal of the History of International Law 2019, pp 1-5.
- "The Controversy over Human Rights, UN Covenants and the Dissolution of the Soviet Union", 61 *Japanese Yearbook of International Law* 2018, pp 260-283.
- "Case Law in Russian Approaches to International Law", in: A. Roberts, P.B. Stephan, P.-H. Verdier, M. Versteeg (eds) *Comparative International Law*, Oxford: OUP, pp 337-352.
- "Sources of International Law in the 19th Century European Tradition: Insights from Practice and Theory", in: J. d'Aspremont, S. Besson (eds) *The Oxford Handbook of the Sources of International Law*, Oxford: OUP, 2017, pp 146-162.
- "Introduction. Russia, Strasbourg, and the Paradox of a Human Rights Backlash", in: L. Mälksoo, W. Benedek (eds) Russia and the European Court of Human Rights: The Strasbourg Effect, Cambridge: CUP, 2017, pp 3-25.
- "The Soviet Approach to the Right of Peoples to Self-Determination: Russia's Farewell to Jus Publicum Europaeum", in 19 *Journal of the History of International Law* 2017, pp 200-218.
- "Conciliation within the Framework of Dispute Settlement Procedures: An East European Perspective", in: C. Tomuschat, R.P. Mazzeschi, D. Thürer (eds) Conciliation in International Law. The OSCE Court of Conciliation and Arbitration, Leiden: Brill, 2017, pp 12-25.
- "Die Lehre des Völkerrechts: ein Blick aus Estland", in: S. Hobe, T. Marauhn (eds) Lehre des internationalen Rechts zeitgemäß?, Berichte der Deutschen Gesellschaft für Internationales Recht, Band 48, Heidelberg: C.F. Müller, 2017, pp 139-142.
- "Conciliation within the Framework of Dispute Settlement Procedures: An East European Perspective", in: C. Tomuschat, R. Pisillo Mazzeschi, D. Thürer (eds) Conciliation in International Law. The OSCE Court of Conciliation and Arbitration, Leiden/Boston: Brill, 2016, 12-25.
- "Russia's Constitutional Court Defies the European Court of Human Rights", 12 European Constitutional Law Review 2016, 377-395.
- "International Legal Theory in Russia: A Civilizational Perspective, or: Can Individuals be Subjects of International Law?", in: F. Hoffmann, A. Orford (eds.) The Oxford Handbook of the Theory of International Law, Oxford University Press, 2016, 257-275.

- "Comparative International Law: Lessons Learned from Russia", in: *Proceedings of the 109th Annual Meeting of the American Society of International Law*, ed. by M. Hakimi *et al.*, Washington, DC: ASIL, 2016, pp 93-96.
- "F.F. Martens and the European Tradition of International Law: When Russia Was an Integral Part of the European Tradition of International Law", 25 European Journal of International Law 2014, 811-829.
- "The Human Rights Concept of the Russian Orthodox Church and Its Patriarch Kirill I", in: W. Benedek et al (eds.) European Yearbook on Human Rights 2013, Vienna: Neuer Wissenschaftlicher Verlag, 2013, 403-416.
- "Russia-Europe", in: B. Fassbender, A. Peters (eds.), *The Oxford Handbook of the History of International Law*, Oxford University Press, 2012, 764-786.
- "Konstantin Markin v Russia", European Court of Human Rights, 106 *American Journal of International Law* 2012, 836-842.
- "The History of International Trade Law in the Work of Russian International Lawyer, Friedrich Martens (1845-1909): from Unequal Treaties to Protectionism and Free Trade", in: R. Klump, M. Vec (eds) Völkerrecht und Weltwirtschaft im 19. Jahrhundert, Baden-Baden: Nomos, 2012, pp 51-58.
- "International Law between Universality and Fragmentation. The Historical Case of Russia", in: A. Orakhelashvili (ed.) Research Handbook on the Theory and History of International Law, Edward Elgar Publishing, 2011, 456-477.
- Kononov v Latvia (European Court of Human Rights, Grand Chamber, 17 May 2010), 105
 American Journal of International Law 2011, pp. 101-108.
- "Contemporary Russian Perspectives on Non-State Actors. Fear of the Loss of State Sovereignty", in: J. d'Aspremont (ed.) Participants in the International Legal System. Multiple Perspectives on Non-State Actors, London: Routledge, 2011, 126-138.
- "Continuity and Change in the Russian Federation's Human Rights Policies in the Fight against Terror", in: M. Goodhart, A. Mihr (eds.) Human Rights in the 21st Century. Continuity and Change since 9/11, New York: Palgrave, 86-104.
- "Great Powers Then and Now: Security Council Reform and Responses to Threats to Peace and Security", in: P.G. Danchin, H. Fischer (eds.) *United Nations Reform and the* New Collective Security, Cambridge University Press, 2010, 94-113.
- "International Law in Russian Textbooks What's in the Doctrinal Pluralism?" *Göttingen Journal of International Law* No 1(2) 2009, 279-290.
- "The History of International Legal Theory in Russia: a Civilizational Dialogue with Europe", 19 European Journal of International Law 2008, No 1, 211-232.
- "Insula deserta? Thoughts on the History of International Law Scholarship in Central Eastern and Eastern Europe, 7 *Baltic Yearbook of International Law* 2007, pp 5-24.
- "The Science of International Law and the Concept of Politics. The Arguments and Lives of the International Law Professors at the University of Dorpat/lur'ev/Tartu 1855-1985", 76 British Year Book of International Law 2005, Oxford University Press, 2006, 383-502.

- "Which Continuity: The Tartu Peace Treaty of 2 February 1920, the Estonian-Russian Border Treaties of 18 May 2005, and the Legal Debate about Estonia's Status in International Law", in: *Archiv des Völkerrechts* 2005, pp 513-525.
- "The Context of International Legal Arguments. 'Positivist' International Law Scholar August von Bulmerincq (1822-1890) and His Concept of Politics", in: 7 *Journal of the History of International Law* 2005, pp 181-209.
- "1912 and 2005: The Theory of the Legal Inequality of States of the Russian International Law Scholar Vladimir Hrabar (1865-1956)", in: *Proceedings of the 99th Annual Meeting of the American Society of International Law*, Washington, DC: ASIL, 2005, pp 310-312.
- "Von der Demokratie bis zur Diktatur: Ein verborgener Dialog zwischen Artur-Tõeleid Kliimann und Carl Schmitt", in: 43 *Der Staat* 2004, pp 57-82.
- "State Responsibility and the Challenge of the Realist Paradigm: The Demand of Baltic Victims of Soviet Mass Repressions for Compensation from Russia", in: I. Ziemele (ed.) Baltic Yearbook of International Law 2003, Leiden: Brill, pp 57-76.
- "State Identity, Deconstruction and ,Functional Splitting': The Case of Illegal Annexations", in: G. Loibl (ed.) Austrian Review of International and European Law 2002, Leiden: Brill, pp 91-110.
- "Soviet Genocide? Communist Mass Deportations in the Baltic States and International Law"14 *Leiden Journal of International Law* 2001, 757-787.
- "Professor Uluots, the Estonian Government in Exile and the Continuity of the Republic of Estonia in International Law", 69 *Nordic Journal of International Law* 2010, pp 289-316.
- "Language Rights in International Law: Why the Phoenix is Still in the Ashes", 12 *Florida Journal of International Law* 2000, pp. 431-465.
- "Justice, Order and Anarchy: The Right of Peoples to Self-Determination and the Conflicting Values in International Law", 4 *Juridica International/Tartu University Law* Review 1999, pp 75-79.

BOOK REVIEWS

- W. Partlett, H. Küpper, The Post-Soviet as Post-Colonial. A New Paradigm for Understanding Constitutional Dynamics in the Former Soviet Empire, Edward Elgar Publishing, 2022, forthcoming in 22 International Journal of Constitutional Law 2024, No 1.
- M. Riepl, Russian Contributions to International Humanitarian Law. A Contrastive Analysis of Russia's Historical Role and Its Current Practice, in: European Journal of International Law 2022 No 3.
- D. M. Crowe, Stalin's Soviet Justice. 'Show' Trials, War Crimes Trials, and Nuremberg (2019), in: 22 Journal of the History of International Law 2020, pp 165-168.
- Y. Onuma, International Law in a Transcivilizational World (2017), in: 31 Leiden Journal of International Law 2018, pp 439-445.

- P. Järvelaid, Eesti õigusteaduse ja õigushariduse ajalugu (The History of Legal Scholarship and Education in Estonia) (2015), Forschungen zur baltischen Geschichte 2016, pp 282-285.
- T. Kleinlein, Konstitutionaliserung im Völkerrecht (2012), 50 Archiv des Völkerrechts 2012, pp 245-247.

BLOG POSTS

- 'Illegality of Russia's Annexations in Ukraine', 03.10.2022, *Articles of War* (Lieber Institute, West Point).
- 'Aggression and 'Civilizational Turn' in Russian Politics of International Law. An Interview with Lauri Mälksoo', Interviewer: Hendrik Simon, 25.02.2022, *Völkerrechtsblog*.
- 'Strasbourg's Effect on Russia and Russia's Effect on Strasbourg', 03.01.2018,
 Völkerrechtsblog.
- 'Russia and China Challenge the Western Hegemony in the Interpretation of International Law', 15.07.2016, *EJIL: Talk!*
- 'Crimea and the (Lack) of Continuity in Russian Approaches to International Law', 28.03.2014, EJIL: Talk!