

CONTENTS

<i>Author biographies</i>	xvi
<i>Preface</i>	xvii
<i>Table of treaties</i>	xxi
<i>Table of cases</i>	xxxii
<i>Abbreviations</i>	lxii
<i>Glossary</i>	lxxvii

PART I PRELIMINARY TOPICS

1 INTRODUCTION	3
1. Development of the Law of Nations	3
2. International Law as Law	6
3. The Reality and Trajectory of International Law	12
2 THE SOURCES OF INTERNATIONAL LAW	20
1. Introduction	20
2. The Statute of the International Court of Justice	21
3. International Custom	23
4. Treaties	30
5. General Principles of Law	34
6. Judicial Decisions	37
7. Other Material Sources	42
8. Other Considerations Applicable in Judicial Reasoning	44
3 THE RELATIONS OF INTERNATIONAL AND NATIONAL LAW	48
1. Theoretical Approaches	48
2. Relations of International and National Law: An Overview	51
3. International Law in the Common Law Tradition	62
4. International Law in the Civil Law Tradition	88
5. Conclusions	110

PART II PERSONALITY AND RECOGNITION

4	SUBJECTS OF INTERNATIONAL LAW	115
	1. Introduction	115
	2. Established Legal Persons	116
	3. Special Types of Personality	121
	4. Conclusions	126
5	CREATION AND INCIDENCE OF STATEHOOD	127
	1. Introduction	127
	2. Legal Criteria of Statehood	128
	3. Some Issues of Statehood	136
	4. Achieving Independence: Secession and Self-Determination	141
	5. Identity and Continuity of States	142
6	RECOGNITION OF STATES AND GOVERNMENTS	143
	1. Recognition as a General Category	143
	2. Recognition of States	144
	3. Recognition of Governments	151
	4. Collective Non-Recognition and Sanctions	155
	5. Issues of Recognition Before National Courts	157
7	INTERNATIONAL ORGANIZATIONS	166
	1. Introduction	166
	2. Legal Personality	166
	3. Privileges and Immunities	171
	4. Performance of Acts in the Law	179
	5. Interpretation of the Constituent Instrument	184
	6. Relations of International Organizations	188
	7. Law-Making Through Organizations	192
	8. Control of Acts of Organizations	196

PART III TERRITORIAL SOVEREIGNTY

8	FORMS OF GOVERNMENTAL AUTHORITY OVER TERRITORY	203
1.	The Concept of Territory	203
2.	Key Terms and Distinctions	204
3.	Territorial Administration Separated from State Sovereignty	206
4.	Restrictions on Disposition of Territory	210
5.	Conclusions	211
9	ACQUISITION AND TRANSFER OF TERRITORIAL SOVEREIGNTY	215
1.	Introduction	215
2.	Determining Title	216
3.	The 'Modes' of Acquisition	220
4.	Displacement of Title	229
5.	Extent of Sovereignty: Territorial Disputes	237
6.	Territorial Sovereignty and Peremptory Norms	242
10	STATUS OF TERRITORY: FURTHER PROBLEMS	245
1.	International Procedures of Territorial Disposition	245
2.	Sovereignty Displaced or in Abeyance	249

PART IV LAW OF THE SEA

11	THE TERRITORIAL SEA AND OTHER MARITIME ZONES	255
1.	The Territorial Sea	255
2.	The Contiguous Zone	265
3.	The Continental Shelf	269
4.	The Exclusive Economic Zone/Fisheries Zone	274
5.	Other Zones for Special Purposes	279

12	MARITIME DELIMITATION AND ASSOCIATED QUESTIONS	281
1.	Introduction	281
2.	Territorial Sea Delimitation	283
3.	Continental Shelf Delimitation	285
4.	Exclusive Economic Zone Delimitation	293
5.	The Effect of Islands Upon Delimitation	294
13	MARITIME TRANSIT AND THE REGIME OF THE HIGH SEAS	296
1.	Introduction	296
2.	Freedom of the High Seas	297
3.	Jurisdiction over Ships on the High Seas	311
4.	Regimes of Transit to and from the High Seas	316
5.	Regulation of High Seas Fisheries	320
6.	The Seabed and Ocean Floor Beyond the Limits of National Jurisdiction	326
<hr/>		
PART V THE ENVIRONMENT AND NATURAL RESOURCES		
14	COMMON SPACES AND CO-OPERATION IN THE USE OF NATURAL RESOURCES	333
1.	Introduction	333
2.	Co-operation in the Generation and Use of Energy	334
3.	Transboundary Water Resources	337
4.	The Polar Regions	345
5.	Outer Space	347
15	LEGAL ASPECTS OF THE PROTECTION OF THE ENVIRONMENT	352
1.	The Role of International Law in Addressing Environmental Problems	352
2.	Emergent Legal Principles	356
3.	Development of Multilateral Standard-Setting Conventions	360
4.	Evaluation	364

PART VI INTERNATIONAL TRANSACTIONS

16 THE LAW OF TREATIES	367
1. Introduction	367
2. Conclusion of Treaties	371
3. Reservations	374
4. Observance, Application, and Interpretation of Treaties	377
5. Amendment and Modification of Treaties	386
6. Invalidity, Termination, and Suspension of Treaties	387
17 DIPLOMATIC AND CONSULAR RELATIONS	395
1. Modalities of Interstate Relations	395
2. General Legal Aspects of Diplomatic Relations	396
3. Staff, Premises, and Facilities of Missions	399
4. Inviolability of Missions	402
5. Diplomatic Agents	405
6. Other Matters	411
18 UNILATERAL ACTS; ESTOPPEL	415
1. Introduction	415
2. Unilateral Acts	416
3. Estoppel	420
4. Relation Between Unilateral Acts and Estoppel	421
19 SUCCESSION TO RIGHTS AND DUTIES	423
1. Introduction and Overview	423
2. The Forms of Territorial Change	425
3. State Succession and Municipal Legal Relations	428
4. State Succession: Fields of Operation	438
5. Conclusions	443

PART VII STATE JURISDICTION

20	SOVEREIGNTY AND EQUALITY OF STATES	447
1.	The Concept of Sovereignty	447
2.	Some Uses of 'Sovereignty'	448
3.	The Interaction of States with International Law	449
21	JURISDICTIONAL COMPETENCE	456
1.	Overview	456
2.	Prescriptive Jurisdiction over Crimes	457
3.	Civil Prescriptive Jurisdiction	471
4.	The Separateness of the Grounds of Jurisdiction	476
5.	Enforcement Jurisdiction	478
6.	A General View of the Law	486
22	PRIVILEGES AND IMMUNITIES OF FOREIGN STATES	487
1.	Evolution of the International Law of Immunity	487
2.	The Modalities of Granting Immunity	491
3.	Attachment and Seizure in Execution	502
4.	Further Concerns and Issues	504

PART VIII NATIONALITY AND RELATED CONCEPTS

23	THE RELATIONS OF NATIONALITY	509
1.	Introduction	509
2.	The Effective Link Principle and <i>Nottebohm</i>	513
3.	The Application of Rules of International Law	518
4.	A Functional Approach to Nationality	525
24	NATIONALITY OF CORPORATIONS AND ASSETS	527
1.	General Aspects	527
2.	Nationality of Corporations	527

3. Nationality of Ships	530
4. Other Rules of Allocation	533

PART IX THE LAW OF RESPONSIBILITY

25 THE CONDITIONS FOR INTERNATIONAL RESPONSIBILITY	539
1. Configuring the Law of Responsibility	539
2. The Basis and Character of State Responsibility	540
3. Attribution to the State	542
4. Breach of an International Obligation	555
5. Circumstances Precluding Wrongfulness	563
26 CONSEQUENCES OF AN INTERNATIONALLY WRONGFUL ACT	566
1. Introduction	566
2. Cessation, Reparation, Invocation	567
3. The Forms of Reparation	569
4. Invocation of Responsibility	580
27 MULTILATERAL PUBLIC ORDER AND ISSUES OF RESPONSIBILITY	590
1. The Varying Content of Illegality	590
2. Objective Consequences of Illegal Acts	594
3. An Emerging System of Multilateral Public Order?	602

PART X THE PROTECTION OF INDIVIDUALS AND GROUPS

28 THE INTERNATIONAL MINIMUM STANDARD: PERSONS AND PROPERTY	607
1. State and Individual: The Search for Standards	607
2. Admission, Expulsion, and Liabilities of Aliens	608
3. Requirements for and Standards of Diplomatic Protection	610
4. Breach and Annulment of State Contracts	627

29	INTERNATIONAL HUMAN RIGHTS	634
1.	Introduction	634
2.	Historical Perspectives	635
3.	Sources of Human Rights Standards	638
4.	Non-Discrimination and Collective Rights	644
5.	Scope of Human Rights Standards: Some General Issues	651
6.	Protection and Enforcement of Human Rights	656
7.	An Evaluation	667
30	INTERNATIONAL CRIMINAL JUSTICE	671
1.	Introduction	671
2.	Development of International Criminal Law and Institutions	672
3.	International Criminal Courts and Tribunals	674
4.	International Criminal Justice in National Courts	687
5.	Conclusions	690
<hr/>		
PART XI DISPUTES		
31	THE CLAIMS PROCESS	693
1.	Jurisdiction and Admissibility Distinguished	693
2.	Interstate Claims: Prior Negotiations and the Requirement of a Dispute	694
3.	Interstate Claims: Grounds of Inadmissibility	697
4.	Diplomatic Protection	701
5.	Mixed Claims: Private Persons versus States	715
32	THIRD-PARTY SETTLEMENT OF INTERNATIONAL DISPUTES	718
1.	Peaceful Settlement in General	718
2.	Development of International Dispute Settlement	719
3.	The International Court of Justice	721
4.	Other International Courts and Tribunals	733

33 THE USE OR THREAT OF FORCE BY STATES	744
1. Historical Overview 1815–1945	744
2. The Charter Prohibition on Use or Threat of Force	746
3. Authorizing the Use of Force: The Security Council	757
4. Continuing Sources of Controversy under the Charter	768
<i>Index</i>	775