xiii

Contents

Table of	cases	XX
Table of statutes of the international courts		xxxi
Table of treaties and conventions		
Table of	other documents	xlii
Chapt	er 1 International law in the modern context	1
1.1	A brief history of international law: a distinction between the	
	'origin' and 'documentation' of international law	2
1.2	The meaning and concept of international law	5
1.3	The nature of international law: theories	11
1.4	The relationship of theories of law with international law	14
1.5	The basis of international law: consent	15
1.6	The functions of international law	18
1.7	What next in international law?	20
Conclu	21	
Questions		22
Key case		23
Furthe	rreading	23
Chapt	er 2 Sources of international law	25
2.1	What does the phrase 'sources of law' mean?	26
2.2	'Formal', 'material', and 'functional' sources of law	26
2.3	What are the sources of international law?	27
2.4	Treaties	28
2.5	Customs	33
2.6	General principles of law	49
2.7	Judicial decisions	55
2.8	The writings of publicists	55
2.9	The relationship between sources of international law	56
2.10	Are there other sources of international law?	62
Conclu	usion	64
Questi	ons	65
Key cases		66
the second secon	rreading	66

71 89 89 100 105 106 109 110 111
89 89 100 105 106 109 110 111
89 100 105 106 109 110 111
100 105 106 109 110 111 111
89 100 105 106 109 110 111 111
105 106 109 110 111 111
106 109 110 111 111
109 110 111 111
110 111 111
111 111
111
112
113
114
116
127
130
130
133
153
153
154
155
156
157
159
al
ns 160
162
167
189
198
199
200
200
201
202
202
214

6.4	The law of the sea	215
6.5	The codification of the law of the sea: 1930	217
6.6	The 1958 and 1960 UN Conference on the Law of the Sea (UNCLOS I and II)	218
6.7	The 1982 UN Convention on the Law of the Sea (UNCLOS III)	221
Conclu	sion	234
Questi		234
Key ca		235
	rreading	236
Chapt	er 7 Jurisdiction	237
7.1	The meaning and nature of jurisdiction	238
7.2	The territoriality principle	240
7.3	The 'effect' doctrine	245
7.4	The nationality principle	248
7.5	The protective principle	250
7.6	The universality principle	251
7.7	The passive personality principle	256
7.8	Problems of illegal enforcement jurisdiction	260
Conclu	ision	264
Questi		264
Key ca	ses	265
Furthe	rreading	266
Chant	er 8 Immunity	267
onap	or o minimum g	
8.1	The nature of immunity	268
8.2	The rationale behind immunity	269
8.3	State immunity	273
8.4	Distinguishing between absolute and restrictive immunity	277
8.5	International crimes and State immunity	284
8.6	Individual immunity	285
8.7	Immunities before international tribunals and courts	294
8.8	Diplomatic and consular immunities	296
8.9	Diplomatic missions	300
Conclu	usion	300
Questi	ons	300
Key ca	ises	301
Furthe	er reading	302
Chant	or O. International law and municipal law	303
Lnapt	er 9 International law and municipal law	303
9.1	International and municipal law: what relationship?	304
9.2	Municipal law issues under international law	306
9.3	International legal issues before municipal legal systems	314
9.4	The transformation of treaties into municipal law	324
Concl	usion	330
Quest		331

Key ca Furthe	er reading	332
Chapt	er 10 The law of use of force	333
10.1	The League of Nations and the Kellogg-Briand Pact	334
10.2	The UN Charter and the prohibition of the use and threat of force	337
10.3	Exceptions to the prohibition of the use of force	348
10.4	Is Article 2(4) sufficient in the modern world?	367
Conclu	ision	368
Questi	Ouestions Key cases	
Furthe	rreading	370
Chapt	er 11 Collective security	371
11.1	The meaning of 'collective security'	372
11.2	Collective security in a modern world	374
11.3	Collective security under the League of Nations	374
11.4	The scope of, and authority for, collective security	375
11.5	The United Nations and collective security	376
11.6	Regional collective security systems	393
11.7	The distinction between 'collective security' and 'collective self-defence'	398
11.8	Peacekeeping	399
11.9	Humanitarian intervention	404
11.10	Responsibility to protect	408
Conclu	sion	410
Questi	ons	410
Furthe	r reading	411
Chapt	er 12 International humanitarian law	413
12.1	Background	415
12.2	International customary law and the codification of IHL	416
12.3	Customary international law and IHL	418
12.4	When does an armed conflict occur?	419
12.5	Armed conflict classification and the war on terror	423
12.6	Combatants, civilians, and somewhere in between: the principle	
	of distinction	424
12.7	Restricting methods of warfare through the distinction and	
	proportionality and control of weapons	431
12.8	Civilian objects and military objectives	432
12.9	Regulating weapons	434
12.10	The International Committee of the Red Cross and its role	435
Conclu	sion	436
Questi	ons	436
Key ca	ses	437
Furthe	rreading	438

Chapt	er 13 State responsibility	439
13.1	The International Law Commission	440
13.2	Determining the internationally wrongful acts of a State	441
13.3	Attribution of acts or omissions to States	444
13.4	Theories of imputability	465
13.5	Enforcing responsibility against delinquent States	468
13.6	Circumstances precluding wrongfulness	483
13.7	Peremptory norms: breaches that can never be excused	
	(Aricle 26 ARSIWA)	485
Conclu	ision	486
Questi	ons	486
Key ca	ses	487
Furthe	rreading	488
Ch	a. 4.4. The cost lement of international disputes	400
Lnapt	er 14 The settlement of international disputes	489
14.1	What is a dispute?	490
14.2	The peaceful settlement of disputes	494
14.3	Negotiation, inquiry, mediation, good offices, and conciliation	495
14.4	Arbitration	513
Conclu	520	
Questions		520
Key cases		521
Furthe	rreading	522
Chapt	er 15 The International Court of Justice	523
15.1	A short history of the Court	524
15.2	The functions of the ICJ	525
15.3	Access to the Court	526
15.4	The composition, election, and retirement of judges of the ICJ	529
15.5	The independence of the Court	534
15.6	The jurisdiction of the ICJ	535
15.7	The effects of a declaration under Article 36(2)	546
15.8	The conditions of declaration	552
15.9	Types of reservation	556
15.10	Interventions	561
15.11	Advisory opinions	565
15.12	Consent and advisory opinion	568
15.13	The effects of ICJ judgments	570
Conclu		572
Questi	ons	572
Key cases		
Furthe	rreading	574

Chapter 16 International criminal law	579
16.1 What is international criminal law and how did it develop?	576
16.2 Sources, nature, and scope of international criminal law	578
16.3 The distinction between State and individual responsibility	579
16.4 General principles of international criminal law	579
16.5 International criminal tribunals	581
16.6 The International Criminal Court (ICC)	588
16.7 International crimes	595
16.8 Immunity	655
Conclusion	623
Questions	624 625
Key cases	
Further reading	625
-57198 1.5 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x 2 1 x	
Chapter 17 International environmental law	627
Chapter 11 International on the chapter 11	
17.1 What is international environmental law?	628
17.2 The development of international environmental law: a short history	y 629
17.3 Sources of international environmental law	633
17.4 Major international efforts towards international regulation	-
of the environment	638
17.5 Enforcement of international environmental law	657
Conclusion	661
Questions	661
Key cases	662
Further reading .	662

Chapter 18 International economic law	664
18.1 The origins and nature of international economic law	665
18.2 International economic law and public international law	667
18.3 Institutional mechanisms for regulating international economic law	
18.4 International finance law	681
18.5 The World Bank's Inspection Panel	686
Conclusion	689
Questions	689
Key cases	690
Further reading .	690
Classes 40. Jacons eliminate visible	CO4
Chapter 19 International human rights	691
19.1 States and human rights	692
19.2 The rise of international human rights	693

(
()
	3
c	+
(D
Ξ)
r	⇉

19.3	The United Nations and human rights	694
19.4	Regional human rights systems	712
19.5	Regional human rights courts	719
19.6	Current issues in international human rights law	728
Conclu	ision	741
Questions		741
Key cases		742
Furthe	rreading	743
Index		745