CONTENTS

Ackn	owledgemen	its xxv			
Abbr	eviations xx	ix			
Table	e of Cases xx	xiii			
Table	e of Treaties,	Other Intern	ational Instrur	nents, and Nat	ional
Legis	lation xli				
Ι.	The Origins	of Internation	nal Law 1		

- § 1. The rise of modern states 1
- § 2. The doctrine of sovereignty 7
- § 3. The influence of the doctrine of the Law of Nature 15
- § 4. The classical writers on international law 23
- II. The Basis of Obligation in International Law 41
 - § 1. The international society 41
 - § 2. The modern 'sovereign' state 44
 - § 3. The basis of obligation in modern international law 47
 - § 4. The sources of modern international law 54
 - (a) Treaties as a source of law 55
 - (b) Custom as a source of law 57
 - (c) The general principles of law 63
 - (d) Judicial decisions and text writers 65
 - (e) The place of 'reason' in the modern system 68
 - (f) Law-making by international organizations 69

- (g) Unilateral declarations of states 72(h) International standards and the debate over
- 'soft law' 74
- § 5. The legal character of international law 77
- § 6. Some defects of the system 80
- § 7. Proposals for codification 86
- § 8. The application of international law in domestic courts 89

III. The Legal Organization of International Society 101

- § 1. The beginnings of international constitutional law 101
- § 2. International legislation 103
- § 3. The administrative and executive functions 111
- § 4. The judicial function 119
- § 5. The United Nations 127

IV. States 139

- § 1. General notion of states in international law 139
- § 2. Independent and dependent states 142
- § 3. The doctrine of the equality of states 146
- § 4. Commencement of the existence of a state 149
- § 5. Continuity and termination of the existence of a state 155

V. The Territory of States 168

- § 1. Territorial sovereignty 168
- § 2. Modes of acquiring territory 169

- § 3. Minor rights over territory 182
 - (a) Leases 182
 - (b) Servitudes 184
- § 4. Territorial sea 188
- § 5. The continental shelf 193
- § 6. The deep sea bed 198
- § 7. Territorial air space 200
- § 8. Outer space, the moon, and other celestial bodies 202

VI. Jurisdiction 206

- § 1. Jurisdiction over internal waters 207
- § 2. Jurisdiction in ports 214
- § 3. Jurisdiction over the territorial sea 217
- § 4. Jurisdiction in the contiguous zone 220
- § 5. Jurisdiction with regard to the continental shelf and the exclusive economic zone 221
- § 6. Jurisdiction on the high seas 224
- § 7. Jurisdiction over warships and other state ships 232
- § 8. Limitations on a state's treatment of its own nationals and respect for international human rights 235
- § 9. The limits of national criminal jurisdiction 242
- §10. Limitations on a state's treatment of foreigners 255
- §11. Limits to jurisdiction with regard to immunities 270
 - (a) Immunities of Heads of States and other holders of high-ranking office in a state 270

- (b) Immunity for the state and its agents 277
- (c) Diplomatic, consular, and other immunities 285
- (d) Diplomatic and consular bags 294
- (e) Diplomatic and consular premises 295

VII. Treaties 302

- § 1. When is an agreement a treaty? 303
- § 2. When is an international text not a treaty? 308
- § 3. Formation of treaties and the issue of coercion 310
- § 4. Signature and ratification 318
- § 5. Reservations 320
- § 6. The role of the depositary and the requirement to register 336
- § 7. The issue of jus cogens 339
- § 8. Other grounds of invalidity 346
- §9. Interpretation 349
- § 10. Third party rights and obligations 367
- § 11. Breach, suspension, and termination of treaties 372
 - (a) Material breach 372
 - (b) Countermeasures in response to breach of treaty 375
 - (c) The position of non-injured states parties 379
 - (d) The impact of war and armed conflict on treaties 380
 - (e) Other grounds for termination 383
- VIII. International Disputes and the Maintenance of International Peace and Security 392
 - § 1. Dispute settlement 392

- § 2. Attribution of conduct to a state 393
- § 3. Retorsion, reprisals, and countermeasures 397
- § 4. Arbitration and judicial settlement 408
 - (a) Arbitration 408
 - (i) Choosing the arbitrators 414
 - (ii) Choosing the applicable law 416
 - (iii) Enforcement of arbitral awards 417
 - (b) Judicial settlement and the International Court of Justice 419
- § 5. The limits of arbitration and judicial settlement 429
- § 6. Good offices, mediation, commissions of inquiry, conciliation 432
- § 7. Dispute settlement at the World Trade Organization 437
- § 8. Settlement under the UN Charter 443

IX. Resort to Force 450

- § 1. Intervention and the prohibition on the use of force 450
- § 2. Self-defence 465
 - (a) Self-preservation and the Caroline incident 465
 - (b) Contemporary law of self-defence 472
 - (i) Anticipatory self-defence 472
 - (ii) Armed attack 475
 - (iii) Appropriate military targets 479
 - (iv) Necessity 480
 - (v) Proportionality 481
- § 3. Authorization by the Security Council 484

- § 4. Aggression in the Statute of the International Criminal Court 490
- § 5. International law in armed conflict 493
- § 6. The present role of international law 502

INDEX 505