# CONTENTS

Preface	
Acknowledgements	W.1
List of abbreviations	X1 Xiii
Table of cases	•
Table of legislation	XIV
Table of treaties and other international instruments	XV
orta other international instruments	XXVII
1 Introduction	
I SCOPE AND MAIN FEATURES	1
Obligations specified in treaties	1
Features of international law	4
International society and institution	6
iviajor themes of the hook	10
Specialist subjects	13
II TERMINOLOGY	15
III SOURCES	17
IV THEORY, METHOD AND TECHNIQUE	25
riteory	29
Modern methods	30
Technique	46
	51
2 Law of treaties	
I INTRODUCTION	55
What are treaties?	55
Finding treaties	58
General framework of Law of Traction	65
How treaties are made	67
Reservations	69
II INTERPRETATION	75
III AMENDMENT	78
IV INVALIDITY, TERMINATION AND SUSPENSION	92
	94
3 General international law: custom, principles and other sources	
other sources	
I INTRODUCTION	98
II CUSTOMARY INTERNATIONAL LAW	98
Practice	101
Opinio iuris	103
Instant customary law?	105
	107

		General Assembly resolutions	110
		Relationship of customary law and treaties	115
	III	GENERAL PRINCIPLES, DECISIONS OF COURTS, ETC.	121
	IV	IUS COGENS AND OBLIGATIONS OWED GENERALLY	124
4	Int	ernational laws	129
	Ι	INTRODUCTION	129
	II	GENERAL INTERNATIONAL LAW IN THE MUNICIPAL ARENA	131
		The United Kingdom	133
		Other states	136
	III	TREATIES IN DOMESTIC LAW	138
		General considerations	138
		Implementation of treaties in the United Kingdom	144
		Implementation of treaties in other states	149
		Interpretation of treaties in national legal systems	150
		Consideration of treaties by courts in the United Kingdom	152
		Interpretation of treaty provisions in courts	·
		in the United Kingdom	155
	T	Interpretation of treaty provisions in courts in other states	161
	IV	PARTICULAR ISSUES AT THE FRONTIERS OF LEGAL SYSTEMS	162
5	States		166
	I	INTRODUCTION	166
	II	STATEHOOD	171
		Elements of statehood	171
		Population	173
		Territory	175
		Government	179
		Capacity and independence	180
		Self-determination of peoples	183
		State succession and secession	186
	Ш	RECOGNITION OF STATES AND GOVERNMENTS	188
		Conceptual issues Political considerations	190
		Recognition policies	191
		Consequences of recognition and of non-recognition	191 196
	IV	Conclusion  Conclusion	204
6	Test	ernational organisations	201
U	TITI		206
	1	INTRODUCTION AND HISTORY	206
		Historical development  Overview of examinations in interpolational laws	208
	TT	Overview of organisations in international law	212
	II	LEGAL CHARACTER OF INTERNATIONAL ORGANISATIONS  Legal personality	214 216
		Legal personality Legal personality in municipal law	210
		Legal personality in mullicipal law	410

		International organisations in English law	220
		Transactions of international organisations	224
	III	THE UNITED NATIONS	225
		The General Assembly	228
		The Security Council	232
		UN law and the use of force by states	242
		The Security Council and use of armed force	247
		Peacekeeping by the UN	250
		Law-making in the UN	253
		The International Law Commission	255
	IV	SPECIALISED AGENCIES	258
	V	NON-GOVERNMENTAL ORGANISATIONS	261
7	Inc	dividuals and corporations	264
	Ι	INTRODUCTION	264
	II	NATIONALITY	267
	III	INDIVIDUALS	271
		Human rights	271
		The United Nations and human rights	275
		Regional arrangements	277
		International criminal law	282
	IV	TRANSNATIONAL CORPORATE ACTIVITIES	295
8	Jui	risdiction of states	300
	Ι	INTRODUCTION	300
		Scope of 'jurisdiction of states'	303
		Early formulations of jurisdictional concepts	306
	II	BASIS OF MODERN INTERNATIONAL LAW ON JURISDICTION	308
		View from the Permanent Court	308
		The bases of jurisdiction	312
		Development of principles of jurisdiction through	
		national law	315
	III	CONTEMPORARY PROBLEMS AND SOLUTIONS	323
		Conflicting laws and jurisdiction	323
		Treaties bearing on jurisdiction	326
		Treaties on criminal matters	326
		Treaties on private law matters	331
		The Lotus case revisited	333
	IV	THE RESERVED DOMAIN OF DOMESTIC JURISDICTION	335
	V	CONCLUSIONS	337
9	Di	plomatic law and state immunity	339
	Ι	INTRODUCTION	339
	II	DIPLOMATIC LAW	344
		Establishing a diplomatic mission	348
		Members of missions and their immunities	350

		Embassy premises	352
		Communications, the bag and archives	357
		Remedies: waiver and persona non grata	358
	III	CONSULAR LAW	362
	IV	STATE IMMUNITY	365
		Origins and sources of law on state immunity	366
		The basis for state immunity and development of the law	368
		National codes	370
		Current state of international codification	381
		Immunity of heads of state and others	383
		Act of state and non-justiciability	384
		Conclusions on state immunity and non-justiciability	387
10	In	ternational spaces: sea, air, outer space and	
	th	e environment	388
	I	INTRODUCTION	388
	II	CODES OF LAW	392
	III	DEFINING THE AREAS	395
	IV	THE LEGAL REGIMES OF THE SPACES	401
		Common principles	401
		Registration	401
		Law and order	404
		The sea	406
		Internal waters and ports	406
		The territorial sea	411
		The continental shelf and exclusive economic zone	412
		The high seas and the Area	415
		Airspace	419
		Airspace and air services	419
		Law of international carriage by air	422
		Outer space	424
	V	INTERNATIONAL ENVIRONMENTAL LAW	429
11	St	ate responsibility and state claims	436
	I	INTRODUCTION	436
	II	STATE RESPONSIBILITY	439
-		Defining the scope of 'state responsibility'	439
		Framework given to state responsibility by	
		ILC Draft Articles	442
		Features of state responsibility	443
		Compliance with obligations after breach	448
		Reparation for injury	452
	III	STATE CLAIMS	459
		Basis for state claims	460
		Making a state claim	464

12	Int	ernational courts and tribunals	468
	I	INTRODUCTION	468
		Processes for settlement of disputes	470
	II	ARBITRATION	472
		Development of international arbitration	474
		Modalities of arbitration	476
	III	SETTLEMENT OF DISPUTES USING INTERNATIONAL	
		ORGANISATIONS	480
	IV	THE INTERNATIONAL COURT OF JUSTICE	485
		Jurisdiction and prerequisites for contentious cases	488
		Provisional measures, final judgment and applicable law	492
		ICJ case law (contentious cases) and examples from	
		the 1990s	494
		Advisory opinions of the ICJ	501
Inc	lex		505