

Contents

List of Boxes	xi
Preface	xiii
List of Abbreviations	xiv
Part I Making the World More Lawful	1
1 The Rise of International Law	3
<i>The Nature of International Law</i>	4
<i>The Roles of International Law</i>	6
<i>The Early Beginnings of International Law</i>	9
<i>Dueling Philosophies</i>	13
<i>Contending Modern Approaches</i>	16
<i>Operating Conditions: What Helps and What Hinders?</i>	20
<i>Chapter Summary</i>	22
2 A World of Actors: A Question of Legal Standing	27
<i>Actors</i>	28
<i>The State</i>	28
<i>International Government Organizations</i>	33
<i>Non-government Organizations</i>	36
<i>Multinational Corporations</i>	39
<i>Individuals</i>	42
<i>Insurgents</i>	44
<i>Ethnic Groups</i>	46
<i>Terrorists</i>	49
<i>Mercenaries and Private Military Companies</i>	50
<i>Domestic Actors</i>	51
<i>Chapter Summary</i>	52

3	The Sources of International Law: Creating Law without Government	57
	<i>Customary Law</i>	58
	<i>Treaty Law</i>	65
	<i>The Role of Principles</i>	72
	<i>Judges and Publicists</i>	75
	<i>Other Sources</i>	77
	<i>The Scope of International Law</i>	78
	<i>Chapter Summary</i>	79
4	The Efficacy of International Law	85
	<i>Legislating International Law</i>	86
	<i>Enforcing International Law</i>	90
	<i>Adjudicating International Law</i>	94
	<i>The Incorporation of International Law</i>	106
	<i>Can There Be a Future World Government?</i>	109
	<i>Chapter Summary</i>	110
5	Jurisdiction: Domain over Places and Persons	115
	<i>Territorial Jurisdiction</i>	116
	<i>Law of the Sea</i>	117
	<i>Airspace</i>	124
	<i>Outer Space</i>	126
	<i>Satellites</i>	128
	<i>The Polar Regions</i>	130
	<i>Nationality</i>	132
	<i>Dual Nationality</i>	135
	<i>Alien Status</i>	137
	<i>Sovereign Immunity and Act of State</i>	140
	<i>Extraterritoriality</i>	141
	<i>Extradition</i>	143
	<i>Chapter Summary</i>	145
	Part II Making the World Safer	149
6	Diplomacy in Pursuit of Peace	151
	<i>A Brief History of Diplomacy</i>	152
	<i>The Rules of Diplomacy for States</i>	155
	<i>Two Special Issues concerning Embassies</i>	158
	<i>Rules for the Consular Relations of States</i>	160
	<i>The Peaceful Settlement of Disputes</i>	163
	<i>The Operating Conditions of Diplomacy</i>	166
	<i>The Rules of Diplomacy for IGOs</i>	168

	<i>The Special Case of the UN</i>	171
	<i>Chapter Summary</i>	174
7	Arms Limitations for a Less Violent World	179
	<i>A Brief History of Arms Limitations</i>	180
	<i>Objectives of Arms Limitations</i>	184
	<i>Obstacles to Arms Limitations</i>	185
	<i>The Nuclear Regime</i>	187
	<i>The Biological Weapons Regime</i>	196
	<i>The Chemical Weapons Regime</i>	198
	<i>The Missile Control Regime</i>	199
	<i>The Conventional Weapons Regime</i>	201
	<i>Chapter Summary</i>	206
8	Law to Constrain Force	211
	<i>A Brief History of the Laws Governing Force</i>	212
	<i>Evolution to UN Law</i>	218
	<i>Aggression</i>	220
	<i>Self-defense</i>	223
	<i>Self-defense in an Age of Terrorism</i>	225
	<i>Intervention</i>	229
	<i>Peacekeeping</i>	231
	<i>Today's Salient Issues concerning the Laws of War</i>	233
	<i>Chapter Summary</i>	241
9	Core International Crimes: Atrocities That Shock the Conscience of Humankind	247
	<i>A Brief History of Core International Crimes</i>	248
	<i>Crimes Against Peace</i>	251
	<i>Crimes against Humanity</i>	252
	<i>Genocide</i>	254
	<i>The Most Notorious Episodes of Genocide</i>	257
	<i>Special Dimensions of Genocide</i>	261
	<i>War Crimes</i>	263
	<i>The Contributions of International Tribunals</i>	276
	<i>Chapter Summary</i>	280
	Part III Making the World Better	285
10	Human Rights: Freedom and Protection for Humankind	287
	<i>A Brief History of the Human Rights Movement</i>	288
	<i>Civil and Political Rights</i>	292

	<i>Economic, Social, and Cultural Rights</i>	296
	<i>Group Rights</i>	300
	<i>A Human Rights Frontier?</i>	305
	<i>Human Rights Regimes</i>	307
	<i>The Role of Non-state Actors</i>	311
	<i>Chapter Summary</i>	313
11	The Global Environment in Jeopardy	319
	<i>A Brief History of Environmental Developments</i>	320
	<i>Atmosphere</i>	324
	<i>Water</i>	331
	<i>Soil</i>	335
	<i>Forests</i>	338
	<i>Wildlife</i>	340
	<i>The Environment and Human Rights</i>	344
	<i>Environmental Governance</i>	346
	<i>Chapter Summary</i>	349
12	Rules for Sharing the World's Wealth	355
	<i>A Brief History of Economic Relations</i>	356
	<i>Governance from the North</i>	359
	<i>Standardizing the Global Economy</i>	363
	<i>Intellectual Property Rights</i>	364
	<i>Commercial Arbitration</i>	366
	<i>Globalism versus Regionalism</i>	368
	<i>Governance of the South</i>	370
	<i>Four Economic Flows in the North–South Relationship</i>	374
	<i>Counter-productive Issues for the Global Economy: Organized Crime, Corruption, and the Pursuit of Non-economic Goals</i>	380
	<i>Chapter Summary</i>	385
	Part IV Making the Future	391
13	The Problems and Prospects of International Law	392
	Glossary of Terms	396
	Bibliography	406
	Index	431