## DETAILED CONTENTS

Preface to the Sixth Edition				
From the	Editor's Introduction to the First Edition	xxviii		
New to 7	This Edition	xxix		
Notes on	Contributors	XXX		
Abbrevia	ations	xxxvi		
Table of	International Cases	xlii		
Table of	Domestic Cases by Country	liv		
Table of.	International Instruments and Other Documents	lxi		
Table of	Domestic Instruments by Country	lxxx		
PART	I THE HISTORY AND THEORY OF INTERNAT	IONAL LAW		
	HORT HISTORY OF INTERNATIONAL LAW hen C Neff	3		
Sum	mary	3		
I.	Introduction	3		
II.	Ancient Worlds	4		
III.	The Middle Ages: The Natural Law Era	6		
	A. The Universalist Outlook: Medieval Natural Law	6		
	B. The Pluralist Outlook: The Italian City-States	7		
	C. Developments in State Practice	7		
IV.	The Classical Age (1600–1815)	8		
	A. Grotius and Hobbes	9		
	B. The Laws of Nature and Nations in Action	11		
V.	The Nineteenth Century (1815–1919)	12		
	A. 'The Public Law and System of Europe'	12		
	B. The Positivist Revolution	13		
	C. Dissident Perspectives	16		
	D. The Achievements of the Nineteenth Century	17		
VI.	The Twentieth and Twenty-First Centuries (1919–)	19		
	A. The Interwar Period	19		
	B. After 1945	21		
VII.	Conclusion	24		
Refe	rences	24		
Furt	her Reading	27		

2 WH		
	AT IS INTERNATIONAL LAW FOR?	
Mai	tti Koskenniemi	
Sum	mary	
I.	The Paradox of Objectives	
II.	Converging Interests?	
III.	The Significance of Statehood	
IV.	Into Pragmatism?	
V.	A Tradition of Anti-formalism	
VI.	Instrumentalism, Formalism, and the Production of an International Political Community	
VII.	Beyond Instrumentalism and Formalism	
VIII	. Between Hegemony and Fragmentation: A Mini-History	
IX.	Legal Formalism and International Justice	
Refe	rences	
3 VO	YAGING TOWARDS ITHACA: THINKING ABOUT	
	Scobbie	
Sum	mary	
I.	The Perils of Philosophy	
II.	Political Dimensions	
III.	The Historical Roots of Orthodoxy	
IV.	On Provenance and Meaning	
V.	Two Versions of Instrumentalism—Liberal Democracy and Marxism-Leninism	
• •		
	A. The New Haven School	
	A. The New Haven School  B. Soviet Theory	
VI.	B. Soviet Theory	
VI. VII.	<ul><li>B. Soviet Theory</li><li>C. New Haven and Soviet Approaches Compared</li></ul>	
	B. Soviet Theory C. New Haven and Soviet Approaches Compared Beyond Instrumentalism	

		A. Treaties	95
		B. Custom	96
		C. General Principles of Law	102
		D. Judicial Decisions and the Teachings of Publicists	104
	III.	The Modern Reality of the Doctrine of Sources	105
		A. What Is Missing from Article 38(1)	105
		B. What Is Misleading in Article 38(1)	109
	IV.	The Dynamic Nature of Law-Making	112
		A. States, State-Empowered Entities, and Non-State Actors	112
		B. Dialogue among Different International Actors	113
		C. Dialogue with Respect to the Traditional Sources of International Law	114
		D. Other Materials Affecting States' Obligations	117
	V.	Conclusion: Explaining the Disconnect between Theory and Practice	120
	Refer	ences	121
	Furth	er Reading	123
5		T LAW IN INTERNATIONAL LAW-MAKING  Boyle	124
	Sumr	nary	124
	I.	The Significance of Soft Law	124
	II.	What Is Soft Law?	126
	III.	A Choice of Treaties or Soft Law?	127
	IV.	Soft Law as Part of the Multilateral Treaty-Making Process	130
	V.	Soft Law and Customary Law	133
	VI.	Treaties as Soft Law	136
	VII.	Soft Law General Principles	138
n	VIII.	Conclusion	140
	Refer	ences	141
	Furth	er Reading	143
6		PRACTICAL WORKING OF THE LAW OF TREATIES osia Fitzmaurice	144
	Sumn	nary	144
	I.	Introduction	144
	II.	Basic Concepts and Structures	144
		A. What Is a Treaty?	144
		B. The Vienna Conventions	149
	III.	The Anatomy of a Treaty	150
		A. The Making of Treaties	150
		B. Authority to Conclude Treaties	150
		C. Expression of Consent to Be Bound	151
		D. Invalidity of Treaties	154

	DETAILED CONTENTS	xi
	E. The Consequences of the Invalidity of Treaties	155
	F. Amendment and Modification	156
	G. Termination and Suspension of the Operation of Treaties	156
IV.	The Scope of Legal Obligations	158
	A. The Principle Pacta Sunt Servanda	158
	B. Treaties and Third States	158
V.	General Principles of Interpretation	159
	A. General Issues	159
	B. Practice	160
	C. Travaux Préparatoires	163
	D. The Object and Purpose of a Treaty	164
	E. The Principle of Effectiveness	164
	F. The Dynamic (Evolutive) Interpretation of Treaties	165
	G. Plurilingual Treaties	165
VI.	Reservations to Treaties	166
	A. The Genocide Convention Case	166
	B. The Regime of the 1969 Vienna Convention	167
	C. Guide to Practice on Reservations to Treaties	168
	D. The Problem of Reservations to Human Rights Treaties	169
	E. Interpretative Declarations	172
VII.	Problems Concerning the Grounds for Termination	172
	A. Material Breach	172
	B. Supervening Impossibility of Performance	174
	C. Fundamental Change of Circumstances	174
VIII.	Conclusion	175
Refer	rences	176
Furth	ner Reading	177
	PART III THE SUBJECTS OF THE INTERNATIONAL LEGAL ORDER	
	RITORY dan Plant	181
Sumr	nary	181
I.	Introduction: Territory and Its Significance	181
II.	Historical Development of the International Law of Territorial	
	Acquisition	184
	A. Classical Doctrine—The 'Modes of Acquisition'	184
	B. A Trio of Landmark Cases	185
	C. The UN Era and the Search for a System	185

	III.	The Modern Law: Title to Territory	186
		A. Original Titles	187
		B. Derivative Titles	188
		C. State Conduct	190
	IV.	Effectivités	193
		A. Elements of Effectivités	193
		B. Legal Relevance: Interaction with Titles	194
	V.	Other Relevant Rules and Principles	195
		A. Prohibition on the Use of Force	195
		B. Self-Determination	196
		C. Preservative Principles	197
		D. Technical Rules	201
		E. Other (Extraneous) Factors	202
	VI.	Conclusion	203
	Refer	ences	204
	Furth	er Reading	205
8		EHOOD, SELF-DETERMINATION, AND RECOGNITION new Craven and Rose Parfitt	206
	Sumn	nary	206
	I.	Introduction	206
	II.	Defining and Recognizing the State	208
	III.	Recognition and the 'Standard of Civilization'	213
	IV.	Self-Determination	217
	V.	The Criteria for Statehood	222
		A. 'Permanent' or 'Settled' Population	224
		B. Controlled and 'Defined' Territory	226
		C. 'Effective' Government	227
		D. Independence	229
	VI.	Secession	231
	VII.	Conditional Statehood	236
	VIII.	Conclusion	241
	Refer	ences	242
	Furth	er Reading	246
9		ERNATIONAL ORGANIZATIONS Akande	248
	Sumn	nary	248
	I.	Introduction	248
		A. History and Role of International Organizations	248
		B. Definition, Distinctions, and Differences	249
		C. Is There a Common Law of International Organizations?	251

		DETAILED CONTENTS	xiii
	II.	Legal Personality	251
		A. Personality in International Law	251
		B. Objective Legal Personality and Relations with Non-Member States	254
		C. Personality in Domestic Law	255
	III.	Interpretation of Constituent Instruments	256
		A. Who Is Empowered to Interpret?	257
		B. What are the Relevant Principles of Interpretation to Be Applied?	258
	IV.	Powers of International Organizations	260
		A. Implied Powers	260
		B. Decision-Making Powers	260
		C. Ultra Vires Decisions of International Organizations	262
	V.	Responsibility of International Organizations	264
	VI.	Privileges and Immunities	267
		A. Sources of Privileges and Immunities	267
		B. Scope of Privileges and Immunities	269
	VII.	The UN System	272
		A. The Structure of the UN	272
		B. Principal Organs of the UN	274
	VIII.	Conclusion	276
	Refer	rences	276
	Furth	ner Reading	279
10		INDIVIDUAL AND THE INTERNATIONAL LEGAL SYSTEM rew Clapham	280
	Sumr	nary	280
	I.	Introduction	280
		A. The Individual	281
		B. Individuals in the International Legal System	283
	II.	International Rights and Obligations	285
		A. Individual Rights under International Law	285
		B. Individual Obligations under International Law	287
	III.	International Claims	290
	IV.	Individual Jurists, Teachers, and Writers	294
	V.	Consideration of Individual Worth Is Challenging Some	20.6
		Traditional Approaches to International Law	296
		A. Diplomatic Immunity  B. Gioro Storretion and Mathed of Markey	296
		B. Siege Starvation as a Method of Warfare	298
	<b>7.7</b> T	C. Countermeasures and Belligerent Reprisals	299
		Conclusion	300
		rences	301
	rurth	ner Reading	304

.

\*

-

## PART IV THE SCOPE OF SOVEREIGNTY

11		spic Hon stopher Staker	307
	Sumn		307
	I.	Introduction	307
		A. The Meaning of 'Jurisdiction'	307
		B. The Significance of the Principles of Jurisdiction	308
		C. The Doctrinal Analysis of Jurisdiction	309
	II.	Prescriptive Jurisdiction	312
		A. The Territorial Principle	314
		B. The National Principle	317
		C. The Protective Principle	320
		D. The Universal Principle	320
		E. Treaty-Based Extensions of Jurisdiction	322
		F. Controversial Bases of Prescriptive Jurisdiction	325
		G. Inadequacies of the Traditional Approach	327
	III.	The Fundamental Principle Governing Enforcement Jurisdiction	330
	IV.	Conclusion	332
	Refer	ences	332
	Furth	er Reading	334
12	INTE	ERNATIONAL LAW AND RESTRAINTS ON THE EXERCISE	
		URISDICTION BY NATIONAL COURTS OF STATES	335
	_	ppa Webb	225
	Sumn		335
	1. TT	Overview	335
	11.	State Immunity	336
		A. Development of the Common Law Relating to State Immunity	336
		B. Development in Civil Law Jurisdictions	338
		C. Sources of the International Law of State Immunity, Including the 2004 UN Convention	338
		D. The Features of State Immunity	342
		E. Definition of the State for the Purpose of State Immunity	346
		F. Exceptions to Immunity from Jurisdiction	348
		G. Immunity from Enforcement	355
	III.	Act of State	361
		A. Kirkpatrick Exception	363
		B. Public Policy Limitation	363
	IV.	Non-Justiciability	363
	V.	Comparison and Evaluation of the Three Avoidance Techniques	365
	VI.	Conclusion	367

		DETAILED CONTENTS	. X
	Refer	rences	367
	Furth	ner Reading	368
13		IUNITIES ENJOYED BY OFFICIALS OF STATES naka Wickremasinghe	370
	Sumi	mary	370
	I.	Introduction	370
	II.	Diplomatic Relations	373
		A. The Scheme of the Vienna Convention on Diplomatic Relations	374
		B. Jurisdictional Immunities	376
		C. Remedies in Cases of Abuse	378
	III.	Consular Relations	378
	IV.	Special Missions	380
	V.	Holders of High-Ranking Offices, Such as Heads of State, Heads of Government, and Ministers for Foreign Affairs	382
		A. Heads of State	382
		B. Heads of Government and Ministers for Foreign Affairs	384
	VI.	The Immunities of Other State Officials	386
	VII.	The Scope of Immunities for Serious Crimes under International Law—Distinguishing Immunity and Impunity	389
		A. Immunities Ratione Personae	390
		B. Immunities Ratione Materiae	39
		C. Immunities before International Criminal Courts	394
	VIII.	Conclusion	397
	Refer	rences	398
	Furth	ner Reading	399
14	ANI	RELATIONSHIP BETWEEN INTERNATIONAL O NATIONAL LAW on Denza	40
	_	mary	40
	T	Introduction	40
	II.	The Approach of International Courts and Tribunals	402
	11.	A. Where National Law Causes Breach of International Law	402
		B. International Law Looks Mainly to the Result	404
	III.	The Approach of National Parliaments and National Courts	400
	IV.	The Spectrum of Constitutional Rules	407
	ıv.	A. The Netherlands	407
			408
		B. Germany C. France	409
			410
		D. Russia E. The USA	41
		F. The UK	412
		1. THE OK	41.

Some Problems Which Arise in National Courts

		A. Does a Rule of Customary International Law Prevail over Conflicting National Law?	414
		B. What Is the Meaning of an International Law Rule in the Context	
		of Domestic Law?	415
		C. Is the International Rule Directly Applicable and Directly Effective?	417
		D. Does a Treaty Prevail over Inconsistent National Law?	418
		E. Can a Treaty Prevail over a National Constitutional Norm?	420
		F. Should the Executive Direct or Guide the National Court?	421
		G. Should a National Court Apply a Foreign Law Which Conflicts with International Law?	422
		H. Are There Questions of International Law Which National Courts Should Decline to Answer?	424
	VI.	Conclusion: Elements of a Happy Relationship	426
	Refer	ences	427
	Furth	er Reading	430
		PART V RESPONSIBILITY	
15	THE	CHARACTER AND FORMS OF INTERNATIONAL	
		PONSIBILITY n Olleson	433
	Sumr	nary	433
	I.	The Scope of International Responsibility: Introduction and Overview	433
	II.	State Responsibility: Issues of Classification and Characterization	437
		A. Responsibility under International or National Law?	437
		B. Typology of State Responsibility	438
	III.	The Elements of State Responsibility	442
		A. Attribution of Conduct	442
		B. Breach of an International Obligation	449
		C. Circumstances Precluding Wrongfulness: Defences or Excuses for Breaches of International Law	453
	IV.	The Content of International Responsibility	456
	V.	Invocation of Responsibility: Responses by the Injured State and Other States	460
	VI.	Further Development of the Law of International Responsibility	463
	Refer	ences	464
	Furth	er Reading	465
	Webs	ites	466

		DETAILED CONTENTS	xvii
16	ISSU	ES OF ADMISSIBILITY AND THE LAW ON INTERNATIONAL	
		PONSIBILITY be Okowa	467
	Sumr		467
		Introduction	467
	II.	Legal Interest as a Prerequisite to Admissibility of Claims	468
		A. Rationale of International Law Rules on Locus Standi	469
		B. Establishing Legal Interest	470
	III.	The Bases of Diplomatic Protection	470
		A. Indirect Claims: Determining Nationality	470
		B. Establishing Nationality for Purposes of Diplomatic Protection	474
		C. The Nationality of Corporations	477
		D. Applying the Nationality Rule	480
	IV.	Admissibility in Cases Concerning Obligations Owed to a Plurality	
		of States	484
		A. Introduction	484
		B. Treaty Instruments Protecting Collective Interests	485
		C. Litigation in the Public Interest and the Enforcement of <i>Erga Omnes</i> Obligations, <i>Stricto Sensu</i>	486
	V.	Admissibility of Claims and the Rule on Exhaustion of Local Remedies	490
		A. Introduction	490
		B. The Content of the Rule	491
		C. The Application of the Rule in the Context of Mixed Claims	491
		D. A Rule of Substance or Procedure?	493
		E. Which View Represents the Law?	494
		F. The Exclusion of the Local Remedies Rule	494
	VI.	Conclusion	495
	Refer	ences	496
	Furth	er Reading	498
		PART VI RESPONDING TO BREACHES OF	
		INTERNATIONAL OBLIGATIONS	
17		NTERMEASURES AND SANCTIONS	501
	_	D White	501
	Sumr	Introduction: Self-Help in International Law	501
	II.	Countermeasures	504
	11.	A. Definition of Countermeasures	504
		B. Countermeasures against Organizations	504
		O Contract of the contract	200

		C. Reprisals and Retorsion	507
		D. Limitations upon Countermeasures and Other Non-Forcible Measures Taken by States	509
		E. Countermeasures and Third States	511
	III.	Economic Coercion	515
	IV.	Sanctions	517
		A. Understanding Sanctions	517
	*	B. Limitations upon Sanctions	521
		C. Targeted or Smart Sanctions	522
	V.	Conclusion	524
	Refer	ences	524
	Furth	er Reading	527
18	SET	PRINCIPLES AND METHODS OF INTERNATIONAL DISPUTE LEMENT  De Brabandere	528
	Sumr	nary	528
	I.	Introduction	529
	II.	Principles of International Dispute Settlement	530
		A. The Peaceful Settlement of Disputes	530
		B. Free Choice of Methods of Settlement and the Requirement of Consent	530
		C. The Requirement of the Existence of a 'Dispute'	531
		D. The Notion of 'Settlement'	532
^	III.	Diplomatic Methods	533
		A. Negotiation	533
		B. Good Offices	535
		C. Mediation	535
		D. Inquiry and Fact-Finding	537
		E. Conciliation	538
	IV.	Legal Methods	540
		A. Jurisdiction of International Courts and Tribunals	540
		B. Arbitration	541
		C. Judicial Settlement	544
	V.	Dispute Settlement Mechanisms in Special Fields of International Law	546
		A. The Law of the Sea Convention	546
		B. The World Trade Organization Dispute Settlement Understanding	549
	VI.	Conclusion	55]
	Refer	ences	552
	Furth	er Reading	553

		C. Reprisals and Retorsion	507
		D. Limitations upon Countermeasures and Other Non-Forcible Measures Taken by States	509
		E. Countermeasures and Third States	511
	III.	Economic Coercion	515
	IV.	Sanctions	517
		A. Understanding Sanctions	517
		B. Limitations upon Sanctions	521
		C. Targeted or Smart Sanctions	522
	V.	Conclusion	524
	Refer	ences	524
	Furth	er Reading	527
18		PRINCIPLES AND METHODS OF INTERNATIONAL DISPUTE	<b>530</b>
		TLEMENT De Brabandere	528
	Sumr	nary	528
	I.	Introduction	529
	II.	Principles of International Dispute Settlement	530
		A. The Peaceful Settlement of Disputes	530
		B. Free Choice of Methods of Settlement and the Requirement of Consent	530
		C. The Requirement of the Existence of a 'Dispute'	531
		D. The Notion of 'Settlement'	532
	III.	Diplomatic Methods	533
		A. Negotiation	533
		B. Good Offices	535
		C. Mediation	535
		D. Inquiry and Fact-Finding	537
		E. Conciliation	538
	IV.	Legal Methods	540
		A. Jurisdiction of International Courts and Tribunals	540
		B. Arbitration	541
		C. Judicial Settlement	544
	V.	Dispute Settlement Mechanisms in Special Fields of International Law	546
		A. The Law of the Sea Convention	546
		B. The World Trade Organization Dispute Settlement Understanding	549
	VI.	Conclusion	551
	Refer	ences	552
	Furth	ner Reading	553

21

	C. The Use of Force 'Against the Territorial Integrity and Political Independence of Any State, or in Any Other Manner Inconsistent with the Purposes of the United Nations'	596
	D. Humanitarian Intervention and Responsibility to Protect	598
III.	Intervention, Civil Wars, and Invitation	600
IV.	Self-Defence	602
	A. The Scope of Self-Defence: Necessity and Proportionality	603
	B. The Meaning of 'Armed Attack'	603
	C. The Use of Force in Protection of Nationals	604
	D. Anticipatory or Pre-Emptive Self-Defence	605
	E. The Impact of the Terrorist Attacks of 9/11 on the Law of Self-Defence	606
	F. A 'Bush Doctrine' of Pre-Emptive Self-Defence against the Proliferation of Nuclear Weapons?	609
	G. Collective Self-Defence	610
	H. The Role of the Security Council	610
V.	The Use of Force under Chapter VII of the UN Charter	611
	A. Measures under Article 41	612
	B. The Use of Force under Chapter VII of the UN Charter	613
	C. Implied or Revived Authorization of Force?	614
VI.	UN Peacekeeping	616
	A. The Inception of Peacekeeping	616
	B. Peacekeeping after the End of the Cold War	617
	C. Challenges to Peacekeeping: Yugoslavia, Somalia, and Rwanda 1991–95	617
	D. Peacekeeping after the Brahimi Report	618
	E. Action for Peacekeeping	619
VII.	Regional Action under Chapter VIII of the UN Charter	619
	A. A Greater Role for Regional Organizations	619
	B. Controversy as to the Interpretation of Chapter VIII	620
	C. Regional Peacekeeping after the Cold War	621
VIII.	Conclusion	622
Refer	rences	622
Furth	ner Reading	624
Webs	sites	625
PA	RT VII THE APPLICATION OF INTERNATIONAL LAW	
	LAW OF THE SEA	629
0	olm D Evans and Reece Lewis	
Sumr		629
I.	Introduction	629
II.	Constructing Baselines	631

		DETAILED CONTENTS	XXi
		A. The Normal Rule	632
		B. Straight Baselines	633
		C. Bays	633
		D. Archipelagoes	634
	III.	Internal Waters, the Territorial Sea, and Contiguous Zone	635
		A. Introduction	635
		B. Jurisdiction of the Coastal State	636
		C. Navigation in the Territorial Sea	637
	IV.	The High Seas	641
		A. The Freedoms of the Seas	641
		B. Exceptions to Flag-State Jurisdiction	642
		C. Conclusion	647
	V.	Resource Jurisdiction	647
		A. The Continental Shelf	647
		B. The Exclusive Fishing Zone	650
		C. The Exclusive Economic Zone	650
		D. The Deep Seabed	652
		E. Marine Biological Diversity in Areas beyond National Jurisdiction	653
	VI.	Delimitation of Maritime Zones	654
		A. Equidistance or Equitable Principles?	654
		B. Factors Affecting Delimitation	657
	VII.	Fisheries	659
		A. The Basic Scheme of Regulation	659
		B. Managing Fisheries	659
	VIII.	Conclusion	662
	Refer	rences	663
	Furth	ner Reading	666
22		ERNATIONAL SPACE LAW	667
	_	ana Deplano	
	Sumi		667
	1.	Introduction	667
	11.	A Specialized Field of International Law	669
		A. Treaty Frameworks	669
	<b>TTT</b>	B. Declarations of Principle	677
	III.	Current Trends and Future Directions	681
		A. Progressive Development through Soft Law Instruments	681
		B. Facilitating Treaty Implementation through Technical Guidelines	684
	TT 7	C. Progressive Development through State Practice	685
	IV.	Conclusion	690
		ences	691
	Furth	ier Reading	692

23	23 INTERNATIONAL ENVIRONMENTAL LAW  Catherine Redgwell and Eva R van der Marel				
	Sumr		693		
	I.	Introduction: What Is International Environmental Law?	693		
	II.	The Historical Development of International Environmental Law	696		
	III.	Making International Environmental Law	698		
		A. Treaties	699		
		B. Custom	701		
		C. Judicial Decisions	704		
		D. Soft Law	705		
		E. Key Actors	706		
	IV.	Approaches and Techniques of International Environmental Law	708		
		A. Global and Regional	708		
		B. Identification and Listing	710		
		C. Conservation and Management	711		
		D. Trade	714		
		E. Permissions and Prohibitions	716		
	V.	Implementation and Compliance	718		
	VI.	Liability and Responsibility	722		
		A. State Responsibility	722		
		B. Liability Regimes	724		
	VII.	Conclusion	726		
	Refer	ences	727		
	Furth	er Reading	732		
24	INTE	ERNATIONAL TRADE LAW	733		
	Andrew Lang				
	Summary				
	I.	Introduction: The Post-War Trading System	733		
	II.	The GATT Years (1947–95)	738		
	III.	The Uruguay Round and the Creation of the World Trade Organization	743		
		A. Services	744		
		B. Intellectual Property	745		
		C. New Goods Agreements	745		
		D. The Establishment of the WTO	748		
		E. Dispute Settlement	749		
		F. Rules Applying to Some WTO Members Only	750		
	IV.	The First Twenty Years of WTO Dispute Settlement	751		
		A. Building Institutional Legitimacy	751		
		B. Key Developments in WTO Case Law	753		
	V.	The WTO'S Negotiating Machinery, and Its Everyday Work	759		
	VI.	Rupture	762		
	VII.	Conclusion	765		

765

		DETAILED CONTENTS	xxiii
	Refe	rences	766
	Furtl	her Reading	767
25		ERNATIONAL INVESTMENT LAW va P Subedi	768
	Sum	mary	768
	I.	Introduction: What Is International Investment Law?	768
	II.	Evolution of International Investment Law	769
		A. National Treatment v the International Minimum Standard	770
		B. The Calvo Doctrine	771
		C. The Hull Formula	772
	III.	Efforts by the UN to Regulate Foreign Investment	773
		A. Permanent Sovereignty of States over Their Natural Resources	774
		B. The Concept of a New International Economic Order	776
		C. The UN Draft Code of Conduct for Transnational Corporations	776
	IV.	The Involvement of Other Actors	777
		A. The Role of the World Bank	777
		B. The OECD Guidelines and the Multilateral Agreement on Investment	779
		C. The WTO and Foreign Investment	779
		D. The UN Human Rights Council	780
	V.	General Principles of the International Law of Foreign Investment	781
		A. Customary International Law	781
		B. The Bilateral Investment Treaties	782
		C. Regional Investment Treaties	787
		D. The Case Law on the Treatment of Foreign Investment	787
	VI.	Conclusion	790
	Refe	rences	793
	Furtl	her Reading	794
	Web	sites	794
26		ERNATIONAL CRIMINAL LAW a Gaeta	795
	Sum	mary	795
	I.	Introduction	795
	II.	Pluralism of International Criminal Law	797
	III.	International Crimes and Treaty-Based Crimes	800
	IV.	International Crimes and Armed Conflict	801
		A. The Crime of Aggression	801
		B. War Crimes	805
	V.	International Crimes and the International Protection of Human Rights	810
		A. Crimes against Humanity	810
		B. Genocide	813
	VI.	The System of International Criminal Justice	815

		A. The Role of National Jurisdictions and Universal Criminal Jurisdiction	815
		B. International Criminal Courts and Tribunals: Cross-Cutting Issues	817
	VII.	Conclusion	820
	Refer	ences	820
	Furth	er Reading	822
27		ERNATIONAL HUMAN RIGHTS LAW Freedman	823
	Sumn	nary	823
	I.	Introduction	823
	II.	Historical Origins of International Human Rights Law	824
		A. Foundations of International Human Rights Law	824
		B. The Universal Declaration of Human Rights and Its Background	825
	III.	The Basis of Obligation in International Human Rights Law	827
		A. The International Bill of Human Rights	827
		B. General International Law	829
		C. Treaty Law	830
	IV.	Categories of Human Rights	831
		A. Civil and Political Rights and Economic, Social, and Cultural Rights	832
		B. Third Generation Rights	833
		C. Rights Holders and Duty Bearers	835
		D. Universality of Rights	838
	V.	International Machinery on Human Rights	841
		A. Commission on Human Rights	842
		B. Human Rights Council	843
		C. Treaty (Monitoring) Bodies	850
	VI.	Conclusion	854
	Refer	ences	855
	Furth	ner Reading	857
28		ERNATIONAL REFUGEE AND MIGRATION LAW Gilbert and Anna Magdalena Bentajou	859
	Sumr	nary	859
	I.	Introduction	859
	II.	Legal Frameworks for Protection	860
		A. The Right to Seek and Enjoy Asylum	861
		B. International Law as It Relates to Displacement	861
		C. Regional Protection Mechanisms	866
		D. Special Cases	867
		E. Exclusion	869
		F. Internally Displaced Persons	872
	III.	Non-Refoulement	873
	IV.	Rights during Displacement	878

		DETAILED CONTENTS	XXV			
	V.	Assistance and Relief	880			
	VI.	Cessation and Durable Solutions	883			
	VII.	Conclusion	885			
	Refer	ences	885			
	Furth	ner Reading	887			
	Webs	ites	887			
29	THE LAW OF ARMED CONFLICT (INTERNATIONAL HUMANITARIAN LAW)  888  David Turns					
	Sumr	nary	888			
	I.	Introduction	888			
	II.	Scope of Application	890			
	III.	The Actors in Humanitarian Law	897			
	IV.	Conduct of Hostilities	902			
		A. Distinction and Proportionality	902			
		B. Weapons	904			
	V.	Protection of Victims	907			
		A. The Wounded and Sick	908			
		B. Prisoners of War	909			
		C. Civilians	910			
		D. Belligerent Occupation	910			
	VI.	The Law in Non-International Armed Conflicts	912			
	VII.	Implementation and Enforcement	913			
		A. Reprisals	913			
		B. State Responsibility	914			
		C. Dissemination and Supervision	915			
		D. Implementation and Prosecution	916			
		E. External Scrutiny	917			
		ences	918			
	Furth	ier Reading	919			

Index