

CONTENTS

Preface	ix
List of Abbreviations	xi
Table of Cases	xiii
Table of Statutes	xxi
Table of Treaties	xxiii
Table of other Documents	xxviii
1 THE NATURE OF INTERNATIONAL LAW AND THE INTERNATIONAL SYSTEM	1
1.1 The role of international law	2
1.2 The existence of international rules as a system of law	3
1.3 The enforcement of international law	5
1.4 The effectiveness of international law	9
1.5 The weakness of international law	11
1.6 The juridical basis of international law	14
1.7 The future of international law	19
1.8 Further reading	20
2 THE SOURCES OF INTERNATIONAL LAW	21
2.1 Article 38 of the Statute of the International Court of Justice	21
2.2 International conventions (treaties)	24
2.3 Custom	28
2.4 General principles of law	38
2.5 Judicial decisions	42
2.6 Writings of publicists	45
2.7 Resolutions of international organisations	45

”	Content,
2.8 Soft law	48
2.9 Further reading	49
3 THE LAW OF TREATIES	
	50
3.1 What is a treaty?	
3.2 Acts lacking an intention to create legal relations	31
3.3 Other ‘non-treaty’ circumstances giving rise to legally binding obligations	^2
3.4 The Vienna Convention on the Law of Treaties 1969	33
3.5 Vienna Convention on the Succession of States in Respect of Treaties 1978	
3.6 Vienna Convention on the Law of Treaties between International Organisations or between States and International Organisations 1986	
3.7 Further reading	81
4 INTERNATIONAL LAW AND NATIONAL LAW	
	82
4.1 Theories	33
4.2 National law before international courts and tribunals	35
4.3 Theories about international law in the national legal system: incorporation, transformation and implementation	39
4.4 International law in the national law of the United Kingdom	91
4.5 National courts applying international law	101
4.6 Executive certificates and ministerial discretion	102
4.7 Further reading	103
5 PERSONALITY, STATEHOOD AND RECOGNITION	
	104
PartOne: Personality and Statehood in International Law	104
5.1 The concept of personality in international law	104
5.2 The subjects of international law	106
Part Two: Recognition	H9
5.3 Recognition in international law	120
5.4 Recognition of states and governments in national law	124
6 JURISDICTION AND SOVEREIGNTY	
	133
6.1 General principles of jurisdiction	133
6.2 Civil and criminal jurisdiction	145
6.3 The acquisition of sovereignty over territory	157
6.4 Rights over foreign territory	158
6.5 Areas outside the exclusive jurisdiction of any state	161
6.6 Jurisdiction over airspace and aircraft	163
6.7 Further reading	

7 IMMUNITIES FROM NATIONAL JURISDICTION	164
PartOne: State Immunity	165
7.1 General conception of immunity and rationale in international law	165
7.2 State immunity in international law	168
7.3 The ILC Draft Articles on jurisdictional immunities of states and their property	175
7.4 State immunity in the United Kingdom	177
7.5 Heads of state	187
7.6 The European Convention on State Immunity 1972	188
7.7 State immunity in the UK and human rights	188
Part Two: Diplomatic and Consular Immunities	189
7.8 International law	189
7.9 The United Kingdom	194
7.10 A note on the immunities of international organisations	195
7.11 Further reading	195
8 LAW OF THE SEA	197
8.1 Sources of the law of the sea	198
8.2 The territorial sea and contiguous zone	200
8.3 The Exclusive Economic Zone	204
8.4 The continental shelf	207
8.5 The deep sea bed	216
8.6 The high seas	220
8.7 Miscellaneous matters	222
8.8 Conclusion	226
8.9 Further reading	226
Appendix: Guide to the 1982 Convention on the Law of the Sea and 1994 Agreement on the Deep Sea-Bed	227
9 STATE RESPONSIBILITY	230
9.1 General issues of state responsibility	231
9.2 The treatment of foreign nationals	242
9.3 Expropriation of foreign-owned property	250
9.4 The internationalisation of contracts	257
9.5 Protection for private investors	259
9.6 Other forms of responsibility in international law	260
9.7 Further reading	260
10 THE PEACEFUL SETTLEMENT OF DISPUTES	262
10.1 Negotiation	263
10.2 Mediation and good offices	264
10.3 Inquiry	264
10.4 Settlement by the United Nations	265

10.5	Conciliation	267
10.6	Settlement by regional machinery	267
10.7	Arbitration	268
10.8	The International Court of Justice	270
10.9	Advisory Opinions	289
10.10	Further reading	292

11 THE USE OF FORCE 293

Part One: The Unilateral Use of Force	294
11.1 The law before 1945	294
11.2 The law after the Charter	296
Part Two: The Collective Use of Force	
11.3 The United Nations	
11.4 Regional organisations	320
11.5 Peacekeeping	322
11.6 Further reading	324

12 HUMAN RIGHTS 325

12.1 The role and nature of human rights law	326
12.2 The development of the law of human rights	328
12.3 The protection of human rights under the United Nations	330
12.4 The European Convention on Human Rights and Fundamental Freedoms 1950	337
12.5 Other regional machinery	340
12.6 Success and failure	342
12.7 Further reading	343

Glossary	344
----------	-----

Index	347
-------	-----