DETAILED CONTENTS

	Preface to First Edition		xv
	Preface to Fourth Edition		xvi
	Acknowledgements		xvii
	Table of Cases		xxii
	Table of Statutes		xxx
	Table of Treaties		xxxii
	Table of Other Documents		xxxviii
1	The Nature of the International Legal System		1
	Introductory note		1
SECTION 1:	The relevance of international law	• 1	2
SECTION 2:	The international community and international law		5
SECTION 3:	Theories of international law		11
2	The Sources of International Law		19
	Introductory note		19
SECTION 1:	General theories		20
SECTION 2:	Statute of the International Court of Justice 1945		24
SECTION 3:	Treaties		25
SECTION 4:	Custom		28
	A: General considerations		28
	B: Local custom		33
	C: Persistent objector		34
	D: The relationship of custom and treaty law		37
SECTION 5:	General principles of law		43
SECTION 6:	Judicial decisions and the writings of publicists		47
SECTION 7:	Resolutions of international organisations		48
SECTION 8:	Soft law		51
SECTION 9:	Codification and development of international law		53
3	The Law of Treaties	A	56
	Introductory note	4	56
SECTION 1:	Definition of a treaty		56
SECTION I:	A: General definition of a treaty		57
	B: Unilateral statements		59
	C: Nature of a treaty		61

	1227 TO 1 (10)		
viii	Detailed	d Contents	

	62
SECTION 2: Vienna Convention on the Law of Treaties 1969	63
A: General principles B: Customary international law	63
	64
SECTION 3: Formation and application of treaties	64
A: Formation	66
B: Entry into force C: Pacta sunt servanda	67
D: Impact on third states	68
	73
SECTION 4: Reservations to treaties	73
A: General principles	77
B: The legal effect of reservations C: Reservations to human rights treaties	81
	84
SECTION 5: Interpretation of treaties	88
SECTION 6: Invalidity of treaties	88
A: General principles	90
B: Error	91
C: Jus cogens	94
D: Unequal treaties	95
E: Procedure for invoking the invalidity of a treaty	96
SECTION 7: Termination of treaties	96
A: Grounds for termination	102
B: Other aspects of termination	
	104
4 International Law and National Law	104
	104
Introductory note	
Introductory note SECTION 1: Theories	104 104
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane	104 104 107
Introductory note SECTION 1: Theories	104 104 107 109
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane SECTION 3: International law on the national plane	104 104 107 109 112
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane	104 104 107 109 112 112
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane SECTION 3: International law on the national plane SECTION 4: Examples of international law on the national plane	104 104 107 109 112 112 123
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane SECTION 3: International law on the national plane SECTION 4: Examples of international law on the national plane A: United Kingdom B: Australia C: South Africa	104 104 107 109 112 112 123 127
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane SECTION 3: International law on the national plane SECTION 4: Examples of international law on the national plane A: United Kingdom B: Australia	104 104 107 109 112 112 123
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane SECTION 3: International law on the national plane SECTION 4: Examples of international law on the national plane A: United Kingdom B: Australia C: South Africa	104 104 107 109 112 112 123 127
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane SECTION 3: International law on the national plane SECTION 4: Examples of international law on the national plane A: United Kingdom B: Australia C: South Africa	104 104 107 109 112 112 123 127
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane SECTION 3: International law on the national plane SECTION 4: Examples of international law on the national plane A: United Kingdom B: Australia C: South Africa	104 104 107 109 112 112 123 127
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane SECTION 3: International law on the national plane SECTION 4: Examples of international law on the national plane A: United Kingdom B: Australia C: South Africa D: United States	104 104 107 109 112 112 123 127 129
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane SECTION 3: International law on the national plane SECTION 4: Examples of international law on the national plane A: United Kingdom B: Australia C: South Africa D: United States	104 104 107 109 112 112 123 127 129
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane SECTION 3: International law on the national plane SECTION 4: Examples of international law on the national plane A: United Kingdom B: Australia C: South Africa D: United States 5 Personality and Recognition Introductory note SECTION 1: International legal personality	104 104 107 109 112 112 123 127 129
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane SECTION 3: International law on the national plane SECTION 4: Examples of international law on the national plane A: United Kingdom B: Australia C: South Africa D: United States	104 104 107 109 112 112 123 127 129 131 131 132 132
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane SECTION 3: International law on the national plane SECTION 4: Examples of international law on the national plane A: United Kingdom B: Australia C: South Africa D: United States	104 104 107 109 112 112 123 127 129 131 131 132 132 132
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane SECTION 3: International law on the national plane SECTION 4: Examples of international law on the national plane A: United Kingdom B: Australia C: South Africa D: United States 5 Personality and Recognition Introductory note SECTION 1: International legal personality A: Statehood B: Other territorial entities C: International organisations	104 104 107 109 112 112 123 127 129 131 131 132 132 138 140
Introductory note SECTION 1: Theories SECTION 2: National law on the international plane SECTION 3: International law on the national plane SECTION 4: Examples of international law on the national plane A: United Kingdom B: Australia C: South Africa D: United States	104 104 107 109 112 112 123 127 129 131 131 132 132 132

	Detaile	d Contents ix
SECTION 2:	Recognition in international law	154
	A: General considerations B: Mandatory non-recognition in international law	154 160
SECTION 3:	Recognition in national law	161
SECTION 5.	A: Recognition in UK law	161
	B: Recognition practice of other States	172
		0
6	International Human Rights Law	175
	Introductory note	175
SECTION 1:	Human rights theories	176
SECTION 2:	Human rights and the international community	182
	A: Universal obligations	182
	B: Cultural relativism	184
SECTION 3:	International protection of human rights A: International instruments	188 188
	B: Procedure for protecting human rights	194
	C: Customary international law	201
SECTION 4:	Regional human rights protection	203
SECTION 5:	Limitations on the human rights treaty obligations of States	207
	A: General limitations	207
	B: Reservations C: Derogations	210 210
SECTION C.	_	210
SECTION 6:	The right of self-determination A: International instruments	212
	B: Clarification of the right of self-determination	216
	C: Application of the right of self-determination	218
SECTION 7:	International criminal law	227
SECTION 8:	Other issues	230
	A: Non-governmental organisations	230
	B: Impact of globalisation	231
7	Sovereignty over Territory	234
*	Introductory note	234
SECTION 1:	Sovereignty and territory	234
SECTION 2:	Traditional means of acquisition of territory	236
	A: Occupation and prescription	236
	B: Cession	240
	C: Conquest	242

x Detailed Contents

SECTION 3:	Effective occupation	243
SECTION 4:	Consent by other States	247
SECTION II	A: Consent by the other party to the dispute	247
	B: Consent by other States	249
	C: Consent by the international community	249
SECTION 5:	Limitations on sovereignty over territory	250
3201101131	A: The right of self-determination	250
	B: Uti possidetis juris	250
	C: Indigenous people	253
	D: International territorial administration	255
SECTION 6:	Other territory	258
	A: Antarctica	258
	B: Airspace	260
	C: Outer space	263
SECTION 7:	Changing perceptions of sovereignty	265
	Installational Committee	268
8 	Jurisdictional Sovereignty	
	Introductory note	268
SECTION 1:	General principles of jurisdiction	269
SECTION 2:	Grounds for the assertion of jurisdiction by national courts	273
010110111	A: Territorial	275
	B: Nationality	276
	C: Protective principle	277
	D: Passive personality	280
	E: The 'effects' doctrine	282
	F: Universality	288
SECTION 3:	State jurisdiction and persons apprehended in violation of international law	290
SECTION 4:	Exercise of jurisdiction over persons by international tribunals	
	and international criminal law	294
	A: International tribunals	294
	B: International criminal law	299
9	Immunities from Notice to the second	30
	Immunities from National Jurisdiction	
	Introductory note	30
SECTION 1:	State immunity in international law	302
	A: General principles	30
	B: Theories	30
SECTION 2:	The relationship between immunity and acts contrary to international law	31
SECTION 3:	State immunity in the United Kingdom	31
	A: General principles	32
	B: Who may claim immunity: States and separate entities	32

	Detailed Conter	nts xi
	C: Heads of State	332
	D: Interpreting the State Immunity Act	333
SECTION 4:	State immunity in other States	335
SECTION 5:	The immunities of international organisations and their staff	337
SECTION 6:	Diplomatic and consular immunities	338
	A: In international law	338
	B: In the United Kingdom	345
10	Law of the Sea	348
	Introductory note	348
SECTION 1:	Law of the Sea Convention 1982	348
SECTION 2:	The territorial sea and the contiguous zone	353
	A: Territorial sea	353
	B: The contiguous zone	359
SECTION 3:	The continental shelf	360
	A: General principles	360
	B: Delimitation of the shelf	363
SECTION 4:	The Exclusive Economic Zone A: General principles	372 372
	B: A common maritime boundary	374
SECTION 5:	The high seas and related matters	389
SECTION 6:	The deep sea bed	393
SECTION 7:	Peaceful settlement of disputes	400
section 7.		
11	State Responsibility	403
	Introductory note	403
SECTION 1:	The nature of State responsibility	404
SECTION 2:	Attribution	409
	A: Officials	409
	B: Private persons	413
	C: Officials of successful revolutionary movements	416
	D: Acts of unsuccessful, or ongoing, revolutionary movements or secessionists	418
SECTION 3:	Enforcement A: Ability to bring a claim	420 420
	B: Exhaustion of local remedies	429
	C: Special enforcement regimes	432
SECTION 4:	Circumstances precluding wrongfulness (defences)	432
SECTION 5:	Treatment of aliens	437
SECTION 6:	Nationalisation/expropriation of non-nationals' property	438
	A: Right to nationalise/expropriate	439
	B: Application of international law	441
	C: Unlawful nationalisation/expropriation	442

12	International Environmental Law	454
	Introductory note	454
SECTION 1:	The context	455
	A: Environmental context	455
	B: Legal context	456
SECTION 2:	Environmental theories	460
SECTION 3:	International obligations	466
	A: Obligation not to cause transboundary environmental damage	466
	B: Obligation of cooperation	467 469
	C: Precautionary principle	470
	D: Intergenerational equity E: Other general State responsibilities towards the environment	472
CCTION A	-	473
SECTION 4:	Selected environmental treaties A: Global treaties	474
	B: Regional obligations	481
	C: Protection of particular territory	483
SECTION 5:	Relationship of the environment with other international law issues	486
	A: Human rights and the environment	486
	B: Trade and the environment	487
SECTION 6:	The future	488
13	International Economic Law	492
	Introductory note	492
SECTION 1:	Defining international economic law	492
SECTION 2:	Main international economic institutions	493
SECTION 3:	Key principles of international trade law	497
	A: Binding of tariffs	497
	B: Most favoured nation treatment	497
	C: National treatment obligation	498
	D: Tariffication	500
SECTION 4:	Exceptions to the key principles of international trade law	501
	A: General exceptions	501
	B: Security exceptions C: Regional trading arrangements	504 505
	D: Developing States	506
SECTION 5:		508
SECTION 6:		511
	A: Intellectual property	511
	B: Sanitary and phytosanitary measures	513
	C: Subsidies and dumping	514
SECTION 7:	International economic law and State sovereignty	516
SECTION 8:	Future directions	518