Table of Contents

VOLUME 1

	cknowledgments	vi
D Ta	reface etailed Table of Contents and Copyright Acknowledgements able of Cases able of Legislation	vii xix xxix liii
In	troductory Chapter	1
	PART 1: INTERNATIONAL LEGAL THEORY	
In	troduction to Part 1	17
1.	Policy Considerations and the International Judicial Process	19
2.	Policy and Impartiality: The Uneasy Relationship in International Law	44
3.	The United Nations and Law-making: The Political Organs	61
	Conceptual Thinking about the Individual in International Law	73
5.	The Identity of International Law	91
	Fundamentals of International Law	108
7.	The Concept of 'The State': Variable Geometry and Dualist Perceptions	128
8.	Our 'Virtuous Trilogy'	141
	PART 2: UNITED NATIONS LAW	
In	troduction to Part 2	151
1.	The Development of International Law by the Political Organs of the United Nations	153
2.	United Nations Peace keeping—Political and Financial Problems	161
3.	The Place of International Law in the Settlement of Disputes by the Security Council	174

4.	The Advisory Opinion on Namibia: Which UN Resolutions are	
	Binding Under Article 25 of the Charter?	193
5.	The New United Nations: Appearance and Reality	209
6.	The New United Nations and Former Yugoslavia	224
7.	The UN Security Council and the Individual State	243
8.	Some Thoughts on the Evolving Relationship between the	
	Security Council and NATO	251
	PART 3: USE OF FORCE	
In	troduction to Part 3	269
	Intérvention and International Law	272
	Second-Generation Peacekeeping	284
	Peace and Security: Achievements and Failures	290
	The New Challenges and the Role of the International	•
	Court of Justice	306
	PART 4: STATE AND DIPLOMATIC IMMUNITIES	
In	troduction to Part 4	327
1.	Recent Developments in the Law of Sovereign Immunity in the United Kingdom	330
2.	The Death Throes of Absolute Immunity: The Government of Uganda Before the English Courts	345
].	Execution of State Property: United Kingdom Practice	351
	Certain Unresolved Aspects of the Law of State Immunity	370
	The Abuse of Diplomatic Privileges and Immunities: Recent	
	United Kingdom Experience	383
6.	Execution of State Property in English Law	394
7.	After Pinochet: Developments on Head of State and	
	Ministerial Immunities	408
	PART 5: HUMAN RIGHTS	
Ir	ntroduction to Part 5	427
1.	The Soblen Case	430
2.	The Right in International Law of an Individual to Enter, Stay	
	in and Leave a Country	441
3.	Derogations Under Human Rights Treaties	457

Table of Contents	xiii
4. Encouraging Human Rights	497
5. The United Nations: Still a Force for Peace	509
6. Liberty of Movement within the Territory of a State: The Contribution of the Committee on Human Rights	528
7. The Relationship Between International Law and Regional Human Rights Norms and Domestic Law	l 545
8. Minority Rights: Discrepancies and Divergencies Between International Covenant and the Council of Europe System	
Foreword in The International Covenant on Civil and Polis Rights and United Kingdom Law	tical 568
10. Ten Years on the UN Human Rights Committee: Some Thoughts upon Parting	§ 576
11. Introduction from Human Rights as General Norms and a Right to Opt Out, Reservations and Objections to Human	Rights
Conventions	590
12. Interim Measures for the Protection of Human Rights	604
13. The Role of Domestic Courts in the Enforcement of International Human Rights: The United Kingdom	619
14. The International Court of Justice and Human Rights	639
15. The Continuing Universality of the Universal Declaration	655
16. Extradition, the Right to Life, and the Prohibition Against Cruel and Inhuman Punishment and Treatment: Similarit and Differences under the ECHR and the ICCPR	
17. Dispersal and Coalescence in International Human Rights	°
VOLUME 2	
PART 6: INTERNATIONAL PETROLEUM	LAW
Introduction to Part 6	693
1. Legal Preconditions of Foreign Investment	695
2. Abandonment of Energy Sites and Structures: Relevant International Law	708
3. Natural Resources in the Case Law of the International Co	urt 720
PART 7: GENERAL	
Introduction to Part 7	745
 Legal Problems Arising from the Dissolution of the Mali Federation 	747

2.	The International Court and South West Africa: The Implications of the Judgment	758
3	International Law and the Reasonable Need of	
٦.	Governments to Govern	783
4.	The Legal Bases of Jurisdiction	799
	United Kingdom: From The Effect of Treaties in Domestic Law	811
6.	Postmodern Tribalism and the Right to Secession	828
7.	Report for Institut de Droit International, The Legal Consequences for Member States of the Non-fulfilment by International Organizations of their Obligations Toward Third Parties	834
8.	Some Observations on the Inter-Temporal Rule in International Law	867
9.	Time and the Law: International Perspectives on an Old Problem	875
	Remedies and the International Court of Justice: An Introduction	893
	International Law in a Changing International System	903
12.	The Responsibility of States Members for the Defaults of International Organizations: Continuing the Dialogue	920
13.	Dualism in the Face of a Changing Legal Culture	926
	The ICJ, the ECJ, and the Integrity of International Law	939
	Self-Determination and Secession	959
	PART 8: TRIBUTES TO COLLEAGUES	
Int	roduction to Part 8	973
1.	Myres Smith McDougal (1906–1998), (Richard A. Falk, Rosalyn C. Higgins, W. Michael Reisman, and Burns H. Weston)	975
	Foreword (in Honour of Professor D.W. Greig)	982
	Words of Personal Appreciation to Erica-Irene Daes	985
	Fleischhauer Leaves the Court	988
۶.	On Vojin Dimitrijević	990
6.	In Memoriam Oscar Schachter: 1915–2003	992
7.	Sir Robert Yewdall Jennings 1913–2004	998
8.		1003
9.	Final Remarks (in Honour of Professor Philip Allott)	1006
	National Courts and the International Court of Justice (in Honour of Lord Bingham)	1013

	Table of Contents	xv
11.	Contribution to: Individual Rights and International Justice, Liber Fausto Pocar	1027
12.	Speech at the Lauterpacht Centre 25th Anniversary Celebrations also marking the 80th Birthday of the Centre's Founder, Sir Elihu Lauterpacht	1030
	PART 9: THE JUDICIAL YEARS	
Inti	roduction to Part 9	1037
Aca	demic Writing	
1.	A Comment on the Current Health of Advisory Opinions	1043
2.	The International Court of Justice and Africa	1056
3.	Respecting Sovereign States and Running a Tight Courtroom	1081
4.	Issues of State Responsibility before the International Court of Justice	1094
5.	The International Court of Justice: Selected Issues of State Responsibility	1102
6.	Alternative Perspectives on the Independence of International Courts: Remarks	1118
7.	Reflections from the International Court	1122
Judi	icial Work	
8.	Dissenting Opinion of Judge Higgins, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion	1129
9.	Separate Opinion of Judge Higgins, Oil Platforms (Islamic Republic of Iran v United States of America), Preliminary	
10	Objection, Judgment	1139
10.	Separate Opinion of Judge Higgins, Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v Nigeria), Preliminary Objections, Judgment	1152
11.	Separate Opinion of Judge Higgins, Oil Platforms (Islamic Republic of Iran v United States of America), Counter-Claim	1157
12.	Separate Opinion of Judge Higgins, Legality of Use of Force (Yugoslavia v Belgium) (Yugoslavia v Canada) (Yugoslavia v France) (Yugoslavia v Germany) (Yugoslavia v Italy) (Yugoslavia v Netherlands) (Yugoslavia v Portugal)	
	(Yugoslavia v Spain) (Yugoslavia v United Kingdom) (Yugoslavia v United States of America). Provisional	
	Measures Order of 2 June 1999	1164

13.	Declaration of Judge Higgins, Kasikili/Sedudu Island (Botswana/Namibia), Judgment	1173
14.	Declaration of Judge Higgins, Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v	
	Bahrain), Judgment	1176
15.	Joint Separate Opinion of Judges Higgins, Kooijmans, and Buergenthal, Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v Belgium), Judgment	1177
16.	Separate Opinion of Judge Higgins, Oil Platforms (Islamic Republic of Iran v United States of America), Judgment	1202
17.	Separate Opinion of Judge Higgins, Legal Consequences of the Construction of a Wall in the Occupied Palestine Territory,	1016
	Advisory Opinion	1216
18.	International Court of Justice: Joint Declaration of Vice-President Ranjeva, Judges Guillaume, Higgins, Kooijmans, Al-Khasawneh,	1007
	Buergenthal, and Elaraby	1227
	Separate Opinion of Judge Higgins	1232
20.	Joint Separate Opinion by Judges Higgins, Kooijmans, Elaraby, Owada, and Simma, Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic	
	Republic of the Congo v Rwanda), Jurisdiction and	1238
T :	Admissibility, Judgment	1236
List	t of cases on which Judge Higgins has sat	124/
	PART 10: THE YEARS AS PRESIDENT OF THE	
	INTERNATIONAL COURT OF JUSTICE	
Int	roduction to Part 10	1255
1.	A Babel of Judicial Voices? Ruminations from the Bench	1256
2.	A Conversation with Secretary of State Condoleeza Rice	1269
3.	'A Just World Under Law' (Plenary Address at the Centennial Meeting of the American Soriety of International Law)	1286
4.	Inaugural Address at the Opening Ceremony of the Asian Society of International Law	1298
5.	The International Court of Justice and Private International Law Thoughts (The Lalive Lecture Series)	1307
6.	The 1907 Hague Peace Conference as a Milestone in the Development of International Law	1320

	Table of Contents	xvii
7.	'The Rule of Law: Some Sceptical Thoughts' (The Grotius Lecture)	1330
8.	The Changing Position of Domestic Courts in the International Legal Order	1340
9.	Keynote Address Given at the 60th Anniversary of the International Law Commission	1348
10.	Remedies in the International Court of Justice (Speech to the Sixth Committee (Legal) of the General Assembly, 27 October 2006)	1352
11.	Speech to the 61st Session of the General Assembly (26 October 2006)	1359
12.	The Judicial Determination of Relevant Facts, Speech to the Sixth Committee of the General Assembly, 2 November 2007	1369
13.	Speech to the 62nd Session of the General Assembly (1 November 2007)	1378
14.	Jurisdiction at the International Court of Justice (Speech to the Sixth Committee (Legal) of the General Assembly, 31 October 2008)	1387
15.	Speech to the 63rd Session of the General Assembly (30 October 2008)	1395
Inde	ex	1403