

Cambridge University Press  
0521824737 - International Law, Fifth Edition  
Malcolm N. Shaw  
Frontmatter  
[More information](#)

---

## INTERNATIONAL LAW FIFTH EDITION

This fifth edition of Malcolm Shaw's bestselling textbook on international law provides a clear, authoritative and comprehensive introduction to the subject. This leading text has been fully revised and updated to Spring 2003 to take account of new developments in the field. Basically preserving the structure which made the previous edition so successful, a new chapter on Inter-state Courts and Tribunals pays special attention to the role of the International Court of Justice and the International Tribunal on the Law of the Sea, and there is a new chapter on International Humanitarian Law. Also examined are arbitration tribunals set up for dispute settlement and the role of international institutions such as the WTO in resolving conflicts. The prosecution of individuals for violations of international law is examined. Additional coverage of events in Kosovo and Iraq analyses the questions of humanitarian intervention and the role of the UN. Written in a clear and accessible style and setting the subject firmly in the context of world politics and the economic and cultural influences affecting it, this book remains a highly readable and invaluable resource for students and practitioners alike. The scope of the text makes this essential reading for students of international law, international relations and the political sciences. The book is also designed to be of value for practitioners and for governmental and international civil servants.

MALCOLM SHAW QC is the Sir Robert Jennings Professor of International Law at the University of Leicester, and a practising barrister.

Cambridge University Press  
0521824737 - International Law, Fifth Edition  
Malcolm N. Shaw  
Frontmatter  
[More information](#)

---

# INTERNATIONAL LAW

Fifth edition

MALCOLM N. SHAW QC  
*Sir Robert Jennings Professor of International Law*  
*University of Leicester*



CAMBRIDGE  
UNIVERSITY PRESS

Cambridge University Press  
 0521824737 - International Law, Fifth Edition  
 Malcolm N. Shaw  
 Frontmatter  
[More information](#)

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE  
 The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS  
 The Edinburgh Building, Cambridge CB2 2RU, UK  
 40 West 20th Street, New York, NY 10011–4211, USA  
 477 Williamstown Road, Port Melbourne, VIC 3207, Australia  
 Ruiz de Alarcón 13, 28014 Madrid, Spain  
 Dock House, The Waterfront, Cape Town 8001, South Africa  
<http://www.cambridge.org>

© M. N. Shaw 2003

This book is in copyright. Subject to statutory exception  
 and to the provisions of relevant collective licensing agreements,  
 no reproduction of any part may take place without  
 the written permission of Cambridge University Press.

Fourth edition first published by Cambridge University Press 1997  
 Reprinted 1999, 2000, 2001 (twice), 2002  
 Fifth edition published by Cambridge University Press 2003  
 Reprinted 2003, 2004 (twice)

Printed in the United Kingdom at the University Press, Cambridge

*Typeface* Adobe Minion 10.75/12.75 pt.     *System* L<sup>A</sup>T<sub>E</sub>X 2<sub>ε</sub> [T<sub>B</sub>]

*A catalogue record for this book is available from the British Library*

*Library of Congress Cataloguing in Publication data*  
 Shaw, Malcolm N. (Malcolm Nathan), 1947–  
 International law / Malcolm N. Shaw – 5th edn.  
 p.     cm.  
 Includes bibliographical references and index.

ISBN 0 521 82473 7 (hardback) – ISBN 0 521 53183 7 (paperback.)  
 1. International law. I. Title.  
 KZ3275.S53 2003    341 – dc21    2003051552

ISBN 0 521 82473 7 hardback  
 ISBN 0 521 53183 7 paperback

Cambridge University Press  
0521824737 - International Law, Fifth Edition  
Malcolm N. Shaw  
Frontmatter  
[More information](#)

---

To my mother, Paulette  
And in memory of my father, Ben Shaw CBE  
And of my mother-in-law, Denise Axelrod  
But above all to my wife Judith

## CONTENTS

<i>Preface</i>	<i>page</i>	xxiii
<i>Table of cases</i>		xxv
<i>Table of treaties and selected other international instruments</i>		lxviii
<i>List of abbreviations</i>		cxli
1	The nature and development of international law	1
	Law and politics in the world community	2
	The role of force	4
	The international system	5
	The function of politics	11
	Historical development	13
	Early origins	14
	The Middle Ages and the Renaissance	18
	The founders of modern international law	22
	Positivism and naturalism	24
	The nineteenth century	26
	The twentieth century	30
	Communist approaches to international law	31
	The Third World	38
2	International law today	42
	The expanding legal scope of international concern	42
	Modern theories and interpretations	48
	Positive Law and Natural Law	48
	New approaches	53
3	Sources	65
	Custom	68
	Introduction	68

	The material fact	72
	What is state practice?	77
	Opinio juris	80
	Protest, acquiescence and change in customary law	84
	Regional and local custom	87
	Treaties	88
	General principles of law	92
	Equity and international law	99
	Judicial decisions	103
	Writers	105
	Other possible sources of international law	107
	The International Law Commission	112
	Other bodies	114
	Unilateral acts	114
	Hierarchy of sources and <i>jus cogens</i>	115
4	International law and municipal law	120
	The theories	121
	The role of municipal rules in international law	124
	International law before municipal courts	128
	The United Kingdom	128
	Customary international law	129
	Treaties	135
	The United States	143
	Other countries	151
	Justiciability, act of state and related doctrines	162
	Executive certificates	172
5	The subjects of international law	175
	Legal personality – introduction	175
	States	177
	Creation of statehood	177
	Self-determination and the criteria of statehood	183
	Recognition	185
	Extinction of statehood	186
	The fundamental rights of states	189
	Independence	189
	Equality	192
	Peaceful co-existence	193
	Protectorates and protected states	194

## CONTENTS

ix

Federal states	195	
<i>Sui generis</i> territorial entities	201	
<i>Mandated and trust territories</i>	201	
Germany 1945	204	
Condominium	206	
International territories	207	
Taiwan	211	
The 'Turkish Republic of Northern Cyprus' (TRNC)		212
The Saharan Arab Democratic Republic		213
Associations of states	214	
Conclusions	217	
Special cases	218	
The Sovereign Order of Malta	218	
The Holy See and the Vatican City	218	
Insurgents and belligerents	219	
National liberation movements (NLMs)		220
International public companies		223
Transnational corporations		224
The right of all peoples to self-determination		225
The establishment of the legal right		225
The definition of self-determination		230
Individuals	232	
International criminal responsibility		234
International organisations	241	
The acquisition, nature and consequences of legal personality – some conclusions		241
6 The international protection of human rights		247
The nature of human rights		247
Ideological approaches to human rights in international law		249
The development of international human rights law		252
Some basic principles		254
Domestic jurisdiction		254
The exhaustion of domestic remedies rule		254
Priorities of rights		256
Customary international law and human rights		256
The United Nations system – general		257
The protection of the collective rights of groups and individuals		262

Prohibition of genocide	262
Prohibition of discrimination	266
The principle of self-determination as a human right	269
The protection of minorities	273
Other suggested collective rights	280
The United Nations system – implementation	281
Political bodies – general	282
The Commission on Human Rights	283
Expert bodies established by UN organs	285
The Sub-Commission on the Promotion and Protection of Human Rights	285
The International Covenant on Economic, Social and Cultural Rights	286
Expert bodies established under particular treaties	289
The Committee on the Elimination of Racial Discrimination	289
The Human Rights Committee	292
The Committee on the Elimination of Discrimination - Against Women	300
The Committee Against Torture	303
The Committee on the Rights of the Child	307
The Committee on the Protection of Migrant Workers	309
Conclusions	310
The specialised agencies	312
The International Labour Organisation	312
The United Nations Educational, Scientific and Cultural Organisation	315
7 The regional protection of human rights	319
Europe	319
The Council of Europe	319
The European Convention on Human Rights	321
The convention system	324
The European Social Charter	334
The European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment	337



## CONTENTS

xi

	The Council of Europe Framework Convention for the Protection of National Minorities	340
	The European Union	344
	The OSCE (Organisation for Security and Co-operation in Europe)	346
	The CIS Convention on Human Rights and Fundamental Freedoms	352
	The Human Rights Chamber of Bosnia and Herzegovina	353
	The American Convention on Human Rights	354
	The Banjul Charter on Human and Peoples' Rights	363
	The Arab Charter on Human Rights	365
8	Recognition	367
	Recognition of states	368
	Recognition of governments	376
	<i>De facto</i> and <i>de jure</i> recognition	382
	Premature recognition	383
	Implied recognition	384
	Conditional recognition	387
	Collective recognition	388
	Withdrawal of recognition	388
	Non-recognition	390
	The legal effects of recognition	393
	Internationally	393
	Internally	393
	The UK	394
	The USA	404
9	Territory	409
	The concept of territory in international law	409
	Territorial sovereignty	411
	New states and title to territory	414
	The acquisition of additional territory	417
	Boundary treaties and boundary awards	417
	Accretion	419
	Cession	420
	Conquest and the use of force	422
	The exercise of effective control	424
	Intertemporal law	429

	Critical date	431
	Sovereign activities ( <i>effectivités</i> )	432
	The role of subsequent conduct: recognition, acquiescence and estoppel	436
	Conclusions	441
	Territorial integrity, self-determination and sundry claims	443
	The doctrine of <i>uti possidetis</i>	446
	Beyond <i>uti possidetis</i>	449
	International boundary rivers	451
	The Falkland Islands	452
	‘The common heritage of mankind’	453
	The polar regions	455
	Leases and servitudes	459
10	Air law and space law	463
	Air law	463
	Theories	463
	The structure	465
	The Warsaw Convention system	469
	Unauthorised aerial intrusion and the downing of civilian airliners	473
	The law of outer space	479
	The definition and delimitation of outer space	480
	The regime of outer space	481
	Telecommunications	486
11	The law of the sea	490
	The territorial sea	493
	Internal waters	493
	Baselines	495
	Bays	499
	Islands	501
	Archipelagic states	502
	The width of the territorial sea	505
	Delimitation of the territorial sea between states with opposite or adjacent coasts	506
	The juridical nature of the territorial sea	506
	The right of innocent passage	507
	Jurisdiction over foreign ships	511

## CONTENTS

xiii

International straits	512	
The contiguous zone	515	
The exclusive economic zone	517	
The continental shelf	521	
Definition	523	
The rights and duties of the coastal state	525	
Maritime delimitation	527	
Landlocked states	541	
The high seas	542	
Jurisdiction on the high seas	545	
Exceptions to the exclusivity of flag-state jurisdiction	548	
Right of visit	548	
Piracy	549	
The slave trade	550	
Unauthorised broadcasting	550	
Hot pursuit	551	
Collisions	552	
Treaty rights	552	
Pollution	553	
Straddling stocks	556	
The international seabed	560	
Introduction	560	
The 1982 Law of the Sea Convention (Part XI)	561	
The Reciprocating States Regime	563	
The 1994 Agreement on Implementation of the Seabed Provisions of the Convention on the Law of the Sea	565	
The International Seabed Authority	566	
Settlement of disputes	568	
12 Jurisdiction	572	
The principle of domestic jurisdiction	574	
Legislative, executive and judicial jurisdiction	576	
Civil jurisdiction	578	
Criminal jurisdiction	579	
The territorial principle	579	
The nationality principle	584	
The passive personality principle	589	
The protective principle	591	
The universality principle	592	

	Piracy	593
	War crimes, crimes against peace and crimes against humanity	594
	Treaties providing for jurisdiction	597
	Illegal apprehension of suspects and the exercise of jurisdiction	604
	The US Alien Tort Claims Act	607
	Extradition	610
	Extraterritorial jurisdiction	611
13	Immunities from jurisdiction	621
	Sovereign immunity	621
	The absolute immunity approach	625
	The restrictive approach	628
	Sovereign and non-sovereign acts	631
	State immunity and violations of human rights	638
	Commercial acts	640
	Contracts of employment	646
	Other non-immunity areas	648
	The personality issue – instrumentalities and parts of the state	649
	The personality issue – immunity for government figures	655
	Waiver of immunity	659
	Pre-judgment attachment	661
	Immunity from execution	662
	The burden and standard of proof	666
	Conclusion	667
	Diplomatic law	668
	The Vienna Convention on Diplomatic Relations, 1961	669
	The inviolability of the premises of the mission	671
	The diplomatic bag	676
	Diplomatic immunities – property	679
	Diplomatic immunities – personal	681
	Waiver of immunity	687
	Consular privileges and immunities: the Vienna Convention on Consular Relations, 1963	688
	The Convention on Special Missions, 1969	690

	The Vienna Convention on the Representation of States in their Relations with International Organisations of a Universal Character, 1975	691
	The immunities of international organisations	692
	Internationally protected persons	692
14	State responsibility	694
	The nature of state responsibility	696
	The question of fault	698
	Imputability	700
	<i>Ultra vires</i> acts	702
	State control and responsibility	704
	Mob violence, insurrections and civil wars	705
	Circumstances precluding wrongfulness	707
	Invocation of state responsibility	713
	The consequences of internationally wrongful acts	714
	Cessation	714
	Reparation	715
	Serious breaches of peremptory norms ( <i>jus cogens</i> )	720
	Diplomatic protection and nationality of claims	721
	The exhaustion of local remedies	730
	The treatment of aliens	733
	The relevant standard of treatment	734
	The expropriation of foreign property	737
	The property question	740
	The nature of expropriation	740
	Public purposes	742
	Compensation	743
	Bilateral investment treaties	747
	Lump-sum agreements	749
	Non-discrimination	751
	The Multilateral Investment Guarantee Agency	751
15	International environmental law	753
	State responsibility and the environment	760
	The basic duty of states	760
	The appropriate standard	762
	Damage caused	765
	Liability for damage caused by private persons	768

	Prevention of transboundary harm from hazardous activities	
	768	
	The problems of the state responsibility approach	771
	International co-operation	771
	Atmospheric pollution	780
	Ozone depletion and global warming	784
	Outer space	790
	International watercourses	791
	Ultra-hazardous activities	795
	Nuclear activities	796
	The provision of information	798
	The provision of assistance	799
	Nuclear safety	801
	Civil liability	801
	Hazardous wastes	803
	Marine pollution	806
	Pollution from ships	806
16	The law of treaties	810
	The making of treaties	815
	Formalities	815
	Consent	816
	Consent by signature	817
	Consent by exchange of instruments	818
	Consent by ratification	819
	Consent by accession	820
	Reservations to treaties	821
	Entry into force of treaties	831
	The application of treaties	832
	Third states	834
	The amendment and modification of treaties	837
	Treaty interpretation	838
	Invalidity, termination and suspension of the operation of treaties	845
	General provisions	845
	Invalidity of treaties	846
	Municipal law	846
	Error	847
	Fraud and corruption	848
	Coercion	848

## CONTENTS

xvii

	<i>Jus cogens</i>	850	
	Consequences of invalidity	850	
	The termination of treaties	851	
	Termination by treaty provision or consent	851	
	Material breach	853	
	Supervening impossibility of performance	855	
	Fundamental change of circumstances	855	
	Consequences of the termination or suspension of a treaty	857	
	Dispute settlement	858	
	Treaties between states and international organisations	858	
17	State succession	861	
	Continuity and succession	865	
	Succession to treaties	871	
	Categories of treaties: territorial, political and other treaties	871	
	Succession to treaties generally	875	
	Absorption and merger	875	
	Cession of territory from one state to another	878	
	Secession from an existing state to form a new state or states	878	
	'Newly independent states'	881	
	Dissolution of states	884	
	International human rights treaties	885	
	Succession with respect to matters other than treaties	889	
	Membership of international organisations	889	
	Succession to assets and debts	890	
	State property	891	
	State archives	897	
	Public debt	900	
	Private rights	905	
	State succession and nationality	907	
	Hong Kong	912	
18	The settlement of disputes by peaceful means	914	
	Diplomatic methods of dispute settlement	918	
	Negotiation	918	
	Good offices and mediation	921	
	Inquiry	923	

	Conciliation	925	
	International institutions and dispute settlement		928
	Regional organisations and the United Nations		928
	The African Union (Organisation of African Unity)		930
	The Organisation of American States	934	
	The Arab League	935	
	Europe	936	
	International organisations and facilities of limited competence		938
19	Inter-state courts and tribunals	951	
	Arbitration	951	
	Judicial settlement	959	
	The International Court of Justice	959	
	The organisation of the Court	961	
	The jurisdiction of the Court	966	
	General	966	
	The nature of a legal dispute	969	
	Contentious jurisdiction	972	
	Article 36(1)	973	
	Article 36(2)	978	
	Sources of law, propriety and legal interest		983
	Evidence	984	
	Provisional measures	987	
	Counter-claims	990	
	Third-party intervention	991	
	Remedies	994	
	Enforcement	996	
	Application for interpretation of a judgment		997
	Application for revision of a judgment		997
	Examination of a situation after the judgment		998
	Non-appearance	999	
	The advisory jurisdiction of the Court		1000
	The role of the Court	1004	
	The International Tribunal for the Law of the Sea		1005
	Proliferation of courts and tribunals	1011	
20	International law and the use of force by states	1013	
	Law and force from the 'just war' to the United Nations	1013	



## CONTENTS

xix

The UN Charter	1017	
‘Force’	1019	
‘Against the territorial integrity or political independence of any state’	1021	
Categories of force	1022	
Retorsion	1022	
Reprisals	1023	
The right of self-defence	1024	
The protection of nationals abroad	1032	
Conclusions	1034	
Collective self-defence	1035	
Force and self-determination	1036	
Intervention	1039	
Civil Wars	1040	
Aid to the authorities of a state	1042	
Aid to rebels	1043	
The situation in the Democratic Republic of the Congo	1044	
Humanitarian intervention	1045	
Terrorism and international law	1048	
21 International humanitarian law	1054	
Development	1054	
The scope of protection under the Geneva Conventions system	1056	
The conduct of hostilities	1063	
Armed conflicts: international and internal	1068	
Non-international armed conflict	1072	
Enforcement of humanitarian law	1076	
Conclusion	1079	
22 The United Nations	1082	
The UN system	1082	
The Security Council	1084	
The General Assembly	1087	
The Economic and Social Council	1091	
The Trusteeship Council	1092	
The Secretariat	1093	
The specialised agencies	1095	
Economic and financial specialised agencies	1098	

	The peaceful settlement of disputes	1099
	The League of Nations	1099
	The United Nations system	1100
	The Security Council	1101
	The General Assembly	1105
	The Secretary-General	1106
	Peacekeeping and observer missions	1107
	Conclusion	1117
	The collective security system	1119
	The Security Council	1119
	Determination of the situation	1120
	Chapter VII measures	1124
	Measures not involving the use of force	1124
	Measures involving the use of force	1133
	The Use of force in non-enforcement situations	1138
	Former Yugoslavia	1139
	Somalia	1142
	Rwanda	1144
	Sierra Leone	1145
	The Democratic Republic of the Congo	1146
	The range of UN actions from humanitarian assistance to enforcement – conclusions	1147
	The Security Council, international law and the International Court of Justice	1148
	The role of the General Assembly	1151
	The UN and regional arrangements and agencies	1154
23	International institutions	1161
	Historical development	1161
	Approaches to international institutions	1164
	Institutions of a universal character	1166
	The League of Nations	1166
	The United Nations	1166
	International economic organisations	1167
	Regional institutions	1168
	Europe	1168
	The North Atlantic Treaty Organisation	1168
	The Western European Union	1170
	The Council of Europe	1171

## CONTENTS

xxi

The Organisation for Economic Co-operation and Development	1172	
The European Union	1172	
The Organisation for Security and Co-operation in Europe (OSCE)	1179	
The Commonwealth of Independent States		1181
The American Continent	1182	
The Arab League	1183	
Africa	1183	
Eastern Europe	1185	
Asia	1185	
Some legal aspects of international organisations		1186
Personality	1187	
The constituent instruments	1193	
The Powers of international institutions	1195	
The applicable law	1198	
The responsibility of international institutions		1199
Liability of member states	1201	
The accountability of international institutions		1204
Privileges and immunities	1205	
Dissolution	1213	
Succession	1214	
 <i>Some useful international law websites</i>		 1216
 <i>Index</i>	 1225	

## PREFACE

In the quarter-century since this book first appeared, there have been few moments of uncertainty as to the direction of international relations and international law to compare with the early years of the twenty-first century. Globalisation has brought undoubted benefits in the fields of commerce, technology and communications, but also increased dangers concerning the rapid spread of disease and the growth of international terrorism. The clearly understood rules and limitations as to state conduct apparent during the Cold War period have disappeared and (for the moment at least) the optimism engendered by a renewed United Nations in the early 1990s has dissipated. Increasing resort to force by states, entities and individuals coupled with the apparently easy access to weapons of high destructive capacity pose a significant challenge to those wishing to establish a world order based on justice, mutual respect, toleration and forbearance.

Certain key events must be noted, for they have combined to shift the orientation of international relations. Increasing human rights violations committed in the Kosovo province of Yugoslavia in 1998–9 precipitated an air attack by NATO undertaken not in self-defence nor pursuant to a United Nations mandate but rather on explicit humanitarian grounds. Even more dramatically, the attack on the US on 11 September 2001 has jolted easy conceptions of international behaviour and has led, not only to significant diplomatic activity to deal with the phenomenon of international terrorism in all its forms, but also to the use of force in an effort to punish, discourage and pre-empt such activity. To the military operations against the Taliban regime of Afghanistan and its Al Qaeda allies in late 2001 in pursuit, as argued, of self-defence must be added the campaign against Iraq in March–April 2003 leading to the collapse of the regime of Saddam Hussein. This latter operation was undertaken in order to enforce Security Council resolutions requiring Iraq to divest itself of weapons of mass destruction, but without explicit UN endorsement. One important consequence of the increasing instability of international

relations has been the attention given to international law and the notion of international legitimacy.

The fourth edition that appeared in 1997 has been extensively revised. To mark the increasing significance of inter-state courts and tribunals, former materials have been updated, rewritten and gathered into a new chapter, while the previous section on international humanitarian law has been expanded to constitute a separate chapter. All the other chapters have been re-examined, updated and often rewritten. In addition, a short list of what are seen as the most important publications has been added after each chapter in order to assist those wishing to take their studies further and a section on useful websites has been added (see p. 1216). I have also been able to correct some errors. I would like particularly to thank Finola O'Sullivan of Cambridge University Press for her encouragement, assistance and above all patience. Particular gratitude is owed to Diane Ilott for her careful and thorough copy-editing and to Chantal Hamill and Mauren MacGlaslon for so carefully preparing the index and tables respectively. A debt remains to Sir Elihu Lauterpacht QC for his encouragement in the development of this work. I also remain grateful to my many colleagues from many countries for their advice and encouragement, while reassuring them that all responsibility for the end product rests squarely with me.

As ever, the real and deepest thanks are due to my wife Judith and my children, Talia, Ilan and Daniella. They have borne the brunt of my travails over the years and endured the inevitable pressures and have done so in a caring and loving manner. Their support remains the indispensable foundation of this work.

Malcolm N. Shaw QC  
*Faculty of Law*  
*University of Leicester*  
*Spring 2003*

## TABLE OF CASES

*Note:* Figures in square brackets refer to volume and page of the *Annual Digest/International Law Reports* where cited cases are reproduced. ‘Et al.’ reflects the fact that the *Annual Digest* practice was to reproduce reports in sections according to subject matter so that reports are liable to be distributed throughout a volume.

- I° Congreso Del Partido* [64.154] 134, 623, 630, 634, 635–6, 655  
 A Company Limited v. Republic of X [87.412] 659, 662, 666, 687–8  
 A Limited v. B Bank and Bank of X [111.590] 164  
 Aaland Islands Case 226, 411, 460, 874  
 Abbasi v. Secretary of State for Foreign and Commonwealth Affairs  
 168–9, 724  
 Abbott v. Republic of South Africa (Decision No. 107/92) [113.411] 630,  
 664, 665  
 Abu Dhabi Arbitration (Petroleum Development Limited/Sheikh of Abu  
 Dhabi) [18.144] 99, 522  
*Re* Accession of the European Community to the Convention for the  
 Protection of Human Rights and Fundamental Freedoms (Opinion  
 2/94) [108.225] 344  
 Acquisition of Polish Nationality (Series B, No. 7) [2.292] 908  
 Adams v. Adams [52.45] 400  
 ADM Milling Company v. Republic of Bolivia [63.56] 642  
 Administration des Chemins de Fer du Gouvernement Iranien v. Société  
 Levant Express Transport [52.315] 630  
 Administration des Douanes v. Société Cafés Jacques Vabre and Weigel  
 et Compagnie [93.240] 157  
 Admission to the United Nations (Conditions for Admission of a State  
 to Membership) [15.333] 387, 1004, 1088, 1187  
 AE v. Switzerland 255  
 Aegean Sea Continental Shelf Case (Greece v. Turkey) [60.511] 812, 814

- Aegean Sea Continental Shelf Case (Greece v. Turkey) (Interim Measures) [60.524] 988
- Aegean Sea Continental Shelf Case (Greece v. Turkey) (Jurisdiction) [60.562] 430, 968, 1000
- Aerial Incident of 27 July 1955 Case (Preliminary Objections) (Israel v. Bulgaria) [27.557] 474, 731
- Aerial Incident (USA v. USSR) Case 974, 978
- Aerotrade Inc. and Aerotrade International Inc. v. Republic of Haiti [63.41] 644
- Affo and Another v. Commander Israel Defence Force in the West Bank (HC 785/87); Rafia and Another v. Commander Israel Defence Force in the Gaza Strip and Another (HC 845/87); Hindi v. Commander Israel Defence Force in the Judea and Samaria Region (HC 27/88) [83.121] 151
- Afounch v. Attorney-General (Palestine) [10.327] 605
- Agbor v. Metropolitan Police Commissioner [52.382] 682
- AGIP Spa v. People's Republic of the Congo [67.318] 741, 743, 746, 945
- Ex parte* Ahmed and Patel 138
- Air India v. Wiggins [77.276] 612
- Air Inter v. Bornier [89.29 (note)] 473
- Air Services Agreement of 27 March 1946 Case (United States/France) [54.303] 708, 710
- Akayesu Case 264
- Akdivar v. Turkey 329
- Al-Adsani v. Government of Kuwait and Others [100.465, 103.420, 107.536] 574, 639
- Al-Adsani v. United Kingdom (Application No. 35763/97) (Merits) [123.24] 303, 323, 639–40
- Re* Al-Fin Corporation's Patent [52.68] 377, 401
- Alabama Claims 104–5, 125, 847, 952
- Alcom Limited v. Republic of Colombia [74.170] 630, 640, 641, 664–5, 679
- Alejandro v. Republic of Cuba and the Cuban Air Force [121.603] 117, 118, 478, 639
- Alemán Lacayo v. Nicaragua 360
- Alfred Dunhill of London, Inc. v. Republic of Cuba et al. [66.212] 171, 628, 643–4
- Re* Alien Children Education Litigation 146
- Álvarez et al. v. Colombia 360
- Alvarez-Machain Case [95.355] 605–6, 609–10
- Amalgamated Metal Trading v. Department of Trade and Industry 165

- Ambatielos Claim (Greece v. United Kingdom) [23.306, 24.291] 254,  
 730, 842, 852, 955, 978
- Amco Asia Corporation and Others v. Republic of Indonesia [89.366]  
 94, 96, 735, 738, 745, 945
- Amerada Hess Shipping Corporation v. Argentine Republic [79.1] 145,  
 609
- America West Airlines Inc. and Another v. GPA Group Limited and  
 Others [92.454] 469
- American Insurance Association v. Garamendi 169
- American International Group Inc. (AIG) and American Life Insurance  
 Company v. Islamic Republic of Iran and Central Insurance of Iran  
 (Bimeh Markazi Iran) (Case No 2) [84.645] 741, 747
- Aminoil Case (Government of Kuwait and American Independent Oil  
 Company) [66.518] 716, 739, 745
- Amministrazione delle Finanze dello Stato v. Simmenthal SpA (No. 2)  
 (Case 106/77) [93.45] 1178
- Amoco Iran Oil Company v. Iran, National Iranian Oil Company,  
 Iranian Offshore Oil Company and Iranian Oil Company (Case  
 No. 55) [83.490] 746
- Amoco Overseas Oil Company and Amoco Transport Company v.  
 Compagnie Nationale de Navigation and T/S Amenas [63.252]  
 643
- AN International Bank plc v. Republic of Zambia and Others [118.602]  
 667
- Anderson, v. NV Transandine Handelmaatschappij et al. [10.10] 173
- Anglo-French Continental Shelf Case (First Decision) [54.6] 101, 105,  
 493, 529, 530, 536, 538, 539, 571, 823, 827–8, 844, 958
- Anglo-Iranian Oil Company Case (Interim Measures) [19.501] 988
- Anglo-Iranian Oil Company Case (Preliminary Objection) [19.507]  
 126, 813
- Anglo-Norwegian Fisheries Case [18.86] 73, 74, 85, 104, 125, 429, 434,  
 438, 440, 441, 496–7, 507, 543, 544, 571, 575, 582
- The Anna* 420, 505
- The Annette* [1.43] 394
- Antarctic cases (1958) 974
- The Antelope* 577
- Applicability of Article VI, Section 22, of the Convention on the  
 Privileges and Immunities of the United Nations [85.300] 1210–11
- Applicability of the Obligation to Arbitrate under Section 21 of the  
 United Nations Headquarters Agreement of 26 June 1947 [82.225]  
 125, 150, 847, 970, 1004, 1207



- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia) (Order on Withdrawal of Counterclaims) [115.206] 265, 990
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia) (Preliminary Objections) [115.1, 115.10] 116, 265, 816, 882, 885, 888, 970, 971, 974, 977, 987, 988
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia) (Request for Revision of the Judgment of 11 July 1996: Preliminary Objections) 998
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)) (Request and Further Requests for the Indication of Provisional Measures) [95.1] 119, 264–5, 868, 963, 994, 1119, 1149
- Aquarone case 157
- Arab Monetary Fund v. Hashim and Others (No. 3) [83.243, 85.1] 401, 1191
- Arab Republic of Syria v. Arab Republic of Egypt (Case No. 298-DF) [91.288] 166
- The Arantzazu Mendi* [9.60] 396–7, 403
- Arbitral Award Made by the King of Spain on 23 December 1906 Case (Honduras v. Nicaragua) [30.457] 440, 845, 957
- Arbitral Award of 31 July 1989, Case concerning (Guinea-Bissau v. Senegal) (Request for Indication of Provisional Measures and Judgment) [92.1] 988
- Argentina (Republic of) and Others v. Weltover Inc. and Others [100.509] 643–4, 645
- Argentina/Chile Frontier Case (Palena) [38.10] 431, 452, 845, 954, 959
- Argentine Airlines v. Ross [63.195] 643
- Re Argoud* [45.90] 605
- Arkansas v. Tennessee [9.112] 420
- Armament Dieppe SA v. United States 494
- Armed Activities on the Territory of the Congo (Congo v. Uganda) (Request for Provisional Measures) 1150
- Artico Case [60.182] 844
- Artukovic v. Rison (In the Matter of the Extradition of Artukovic) [79.383] 865
- Asociación de Reclamantes v. United Mexican States [84.87] 623

- Associated Provincial Picture Houses Ltd v. Wednesbury Corp. 616  
 Asylum Case (Colombia v. Peru) (Haya de la Torre Case) (Judgment) [17.280] 72–3, 74, 79, 82, 85, 87, 410, 675  
 Asylum Case (Colombia v. Peru) (Haya de la Torre Case) (Request for Interpretation) [17.339] 968, 997  
 Asylum Case (Colombia v. Peru) (Haya de la Torre Case) (implementation of judgment) [18.349] 967, 991  
 Athens Maritime Enterprises Corporation v. Hellenic Mutual War Risks Association (Bermuda) Limited [78.563] 549  
 Attorney-General for Canada v. Attorney-General for Ontario [8.41] 138, 151–2  
 Attorney-General (England), Reference (No. 1 of 1982) 619  
 Attorney-General (England) v. Associated Newspapers Ltd 140  
 Attorney-General for Fiji v. Tobt Jones House Ltd 381  
 Attorney-General (New Zealand) v. Ortiz and Others [78.591] 577  
 Australia and New Zealand Bank v. Commonwealth of Australia 624, 641–2  
 Austria v. Italy 328, 843  
 Austro-German Customs Union Régime [6.26, 6.427] 181, 189–90  
 Autocephalous Greek-Orthodox Church of Cyprus and the Republic of Cyprus v. Goldberg and Feldman Fine Arts, Inc. [108.488] 213, 406  
 Avena (Mexico v. USA) (Provisional Measures) 689  
 Azazh Kebbedda Tesema and Others v. Italian Government [9.93] 389  
 Azinian v. United Mexican States [121.1] 703
- Baboeram-Adhin and Others v. Suriname (Communication Nos 146/1983 and 148-154/1983) [94.377] 255  
 Baccus SARL v. Servicio Nacional del Trigo [23.160] 626, 649, 650  
 Baker v. Carr 169  
 Ballantyne Case 275  
 Banamar-Capizzi v. Embassy of the Popular Democratic Republic of Algeria (Case No. 2085) [87.56] 665  
 Banco Nacional de Cuba v. Chase Manhattan Bank [66.421] 744  
 Banco Nacional de Cuba v. Sabbatino et al. [35.2] 170–1, 404  
 Bandes v. Harlow and Jones Inc.; Harlow and Jones Inc. v. Bandes and Alvarez [92.468] 172  
 Bank of Credit and Commerce International (Overseas) Limited (In Liquidation) v. Price Waterhouse (A Firm) and Others [111.604] 655

- Banković v. Belgium and Others (Application No. 52207/99)  
 (Admissibility) [123.94] 324, 579
- Barbie [78.124, 100.330] 157, 595, 596
- Barcelona Traction, Light and Power Company Limited, Case  
 concerning (New Application, 1962) (Belgium v. Spain) (Second  
 Phase) [46.178] 98–9, 100, 127, 224, 714, 723–4, 728–9, 886, 978
- Barrandon v. United States [113.464, 116.622] 647
- Bašić et al. v. Republika Srpska 354
- Beagle Channel Arbitration (Argentina/Chile) [52.93] 105, 418, 421,  
 432, 443, 447, 507, 811, 840, 872, 954, 957, 958
- Behring International Inc. v. Imperial Iranian Air Force, et al. [63.261]  
 661
- Behring Sea Arbitration 952, 986
- Belgian Linguistics Case [45.114] 269, 322, 329
- Belgium v. Nicod and Another [82.124] 672
- Belgium (Government) v. Postlethwaite 610
- Belilos v. Switzerland [88.635] 824
- Benaïm c. Procureur de la République de Bordeaux 195
- Benvenuti and Bonfant Srl v. Government of the People's Republic of the  
 Congo [65.88, 67.345] 741, 745, 746, 945
- Bergman v. de Sieyès [14.150] 685
- Berizzi Brothers Company v. *SS Pesaro* [3.186] 626
- Berry Case 299
- Beth El Mission v. Minister of Social Welfare (Israel) [47.205] 260
- Biloune and Marine Drive Complex Limited v. Ghana Investments  
 Centre and the Government of Ghana [95.183] 741–2, 746
- Birch Shipping Corporation v. Embassy of the United Republic of  
 Tanzania [63.524] 664
- Blathway v. Baron Cawley 140, 167
- Board of Trade v. Owen 581
- Boffolo Case 736
- Bolivian Railway Company Case 706
- Boos, Waller and Brooker v. Barry and Others [121.499] 7, 143, 671–2,  
 681
- Botswana/Namibia case 420, 426, 434, 452, 840
- Re Bottali* [78.105] 883
- Boudellaa et al. v. Bosnia and Herzegovina and the Federation of Bosnia  
 and Herzegovina 354, 1052
- Bouzari and Others v. Islamic Republic of Iran [124.427] 639
- Boyle and Rice v. UK 330

- BP Exploration Company (Libya) Limited v. Libyan Arab Republic  
 [53.297] 717, 742, 956
- Braka v. Nacional Financiera 643
- Brannigan and McBride v. UK 330
- Branno v. Ministry of War [22.756] 1190, 1205
- Brazilian Embassy Employee Case (Case No. 706) [116.625] 156, 648
- Brazilian Federal Loans Case [5.466] 126, 710
- Brcko Inter-Entity Boundary Case 392
- Breard v. Greene; Republic of Paraguay et al. v. Gilmore et al.; *Re Breard*;  
 Republic of Paraguay et al. v. Gilmore III et al. [118.22] 149, 150
- Ex parte* Brind [84.754, 85.29] 137, 139, 140, 153
- British Airways Board v. Laker Airways Limited and Another [74.36]  
 166, 615
- Ex parte* British Council of Turkish Cypriot Associations and Another  
 [112.735] 167
- British Guiana–Venezuela Boundary Arbitration 428, 952, 955, 957
- Brogan Case 331
- Brown v. United States 144
- Brown v. Whimster 140
- Buchanan v. Babco 141
- Buck v. Attorney-General (England) [42.11] 167, 623
- Buraimi Arbitration 957
- Burkina Faso/Mali Frontier Dispute (Judgment) [80.459] 84, 102, 115,  
 271, 412, 431, 432, 436, 440–1, 443, 444, 447–8, 449, 450–1, 813,  
 872, 899, 965
- Buron v. Denman 163
- Buttes Gas and Oil Company and Another v. Hammer and Another  
 (Nos. 2 and 3) [64.331] 623
- Buttes Gas and Oil Company and Another v. Hammer and Another (No.  
 3) [64.273] 163–4, 166, 167
- Buvot v. Barbuit 129
- C Czarnikow Limited v. Centrala Handlu Zagranicznego Rolimpex  
 [64.195, 64.204] 651
- Caglar v. Billingham (Inspector of Taxes) and Related Appeals [108.510]  
 213, 401
- Caire Case [5.146 et al.] 699, 703
- Callejo v. Bancomer SA [84.106] 643
- Calley v. Calloway 594
- Camacho v. Rogers 149

- Cameroon v. Nigeria (Case Concerning the Land and Maritime Boundary Between Cameroon and Nigeria) (Countermeasures: Order of 30 June 1999) 990
- Cameroon v. Nigeria (Case Concerning the Land and Maritime Boundary Between Cameroon and Nigeria) (Judgment) 102, 115, 125, 202, 418, 430, 436, 437, 441, 445, 537, 539–40, 816, 846–7, 920, 974, 975, 996
- Cameroon v. Nigeria (Case Concerning the Land and Maritime Boundary Between Cameroon and Nigeria) (Preliminary Objections) 440, 920, 968, 971, 979
- Cameroon v. Nigeria (Case Concerning the Land and Maritime Boundary Between Cameroon and Nigeria) (Provisional Measures) 968, 988, 989
- Cameroon v. Nigeria (Case Concerning the Land and Maritime Boundary Between Cameroon and Nigeria) (Request for Interpretation) 997
- Campbell and Cosans Case (Merits) [67.480] 329
- Can and Others v. United States [107.255] 170
- Canada v. Cargnello (Decision No. 4017/1998) [114.559] 156, 647
- Canavero Case 727
- Canepa v. Canada 298
- Carbonar v. Magurno (Decision No. 9675/1993) [114.534] 648
- Carey and New England Petroleum Corporation v. National Oil Corporation and the Libyan Arab Republic [63.164, 63.232] 653
- Carl Zeiss Stiftung v. Rayner and Keeler Limited (No 2) [43.23] 368, 399–400, 402, 404
- The Caroline* 1024–5, 1030, 1034
- Cassell v. Broome 140
- Castillo Páez v. Peru [116.451] 362
- Castro and Others v. Saudi Arabia [63.419] 644
- Celebići Case 236
- Centre for Industrial Development v. Naidu [115.424] 664
- Cerrutti Arbitrations 957
- Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter) [34.281] 8, 95, 843, 967, 1004, 1196
- Certain German Interests in Polish Upper Silesia Case [3.5 et al.] 95, 97, 127, 719, 734, 742, 905
- Certain Phosphate Lands in Nauru (Nauru v. Australia) (Preliminary Objections) [97.1] 201, 202, 713, 975, 982, 1187

- CGM Industrial (Pty) Limited and Others v. KPMG and Others  
 [121.472] 630
- Chahal v. United Kingdom [108.385] 332
- Chamizal Arbitration 420, 427, 452, 957
- Champagne Case 299
- The Charkieh* 625
- Chase Manhattan Bank v. Traffic Stream (BVI) Infrastructure Ltd 729
- Chattin Case [4.248] 734
- Chen v. Korean Airlines Ltd 470
- Chierici and Rosa v. Ministry of the Merchant Navy and Harbour Office  
 of Rimini [71.258] 179
- China (Republic of) v. Merchants' Fire Assurance Corporation of New  
 York [5.42] 386
- Chisholm and Company and Chisholm v. Bank of Jamaica and Barber  
 [121.487] 643
- Chorzów Factory Case (Germany v. Poland) (Merits) [4.258] 95, 697,  
 715, 745, 891, 905, 995
- Chow Hung Ching and Si Pao Kung v. R [15.147] 152
- Chrysostomos v. Turkey 328
- Chumbipuma Aguirre v. Peru (Barrios Altos Case) 254, 362
- Chung Chi Cheung v. R [9.264] 132, 133
- Chung Kheng Lin v. Minister for Immigration (Australia) 153
- City of Berne v. The Bank of England 394
- Civil Air Transport Incorporated v. Central Air Transport Corporation  
 [19.85] 399, 407
- Clerget v. Banque Commerciale pour l'Europe du Nord and Others  
 [65.54] 386
- Clipperton Island Award (France and Mexico) [6.105] 432, 433–4
- CME Czech Republic BV v. Czech Republic 715, 718
- CND v. Prime Minister of the UK and Others 166
- Coccia v. Turkish Airlines 470
- Coe (On Behalf of the Wiradjuri Tribe) v. Commonwealth of Australia  
 and Another [118.322] 152
- Colombia–Venezuela Boundary Arbitration [1.84, 1.371] 447, 872
- Comercial F SA v. Council of Ministers (Case No. 516) [88.691] 722
- Commercial and Estates Company of Egypt v. Board of Trade [2.11,  
 2.423] 132
- Commission of the European Communities v. Council of the European  
 Communities (Case 22/70) [47.278] 217