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ANTONIO CASSESE

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PREFACE

This book seeks to offer a general perspective for understanding the role of law in the international community. I have tried to expound the contents of those rules and legal institutions which to my mind deserve the attention of all persons alert to the current status of international affairs.

While most existing textbooks or treatises take a strictly legal approach, I have attempted not to look at international legal institutions as abstract entities ‘petrified’ in time and space. I believe that it is misleading to consider international law as a piece of reality cut off from its historical, political, and ideological context. To grasp international law in all its ramifications, one ought to look at it as a set of continuously changing elements of a whole. I have therefore tried to combine the strictly legal method with the historical and sociological approach, to expound the *dynamic* of international law: in particular, to illustrate the tension between traditional law, firmly grounded in the rock of State sovereignty, and the new or nascent law, often soft and hazy as a cloud, but inspired with new, community values.

Thus, my purpose has been to show *when* certain legal institutions have come into being in the world community. Indeed, it is important to know their origin, even when they have been supplanted or modified by new ones. Also, I have endeavoured to understand the rationale behind them. In addition to delineating their legal contents, I have asked myself *why* they have been created, what function they were intended to fulfil, and which one they in fact perform in the current reality of international relations.

As Bertrand Russell wisely wrote, ‘without detail, a book becomes jejune and uninteresting; with detail, it is in danger of becoming intolerably lengthy’. As usually happens in life, I had to strike a compromise: I have endeavoured to be concise while sufficiently informative. One of the consequences of this attempt is that most references are only intended to indicate the source of documents or cases cited (where nothing is indicated to the contrary, translations from other languages into English are mine). In addition, no bibliography is given. The reader interested in consulting documents or looking up further writings may use the Oxford University Press web site: www.oup.com/uk/best.textbooks/law/cassese, where he or she will find not only a select bibliography and the text of the principal treaties and cases cited in the book, but also links to the principal web sites containing further sources.

In this second edition I have restructured the book, rewritten various chapters, added a chapter on terrorism and more generally updated the whole work. Moreover, I have restructured and updated the web site.

PRINCIPAL ABBREVIATIONS

AFDI	<i>Annuaire Français de Droit International</i>
AJIL	<i>American Journal of International Law</i>
AILC	B. D. Reams, Jr., ed., <i>American International Law Cases</i> (1783–1968) (New York: Oceana Publications, 1971)
Ann. Dig.	J. Fischer Williams and H. Lauterpacht, eds., <i>Annual Digest of Public International Law Cases</i> (London, New York, Toronto: Longmans, Green and Co., 1932–53)
Anzilotti, <i>Corso</i>	D. Anzilotti, <i>Corso di diritto internazionale</i> (1912, 1928), i, 4th edn. (Padua: Cedam, 1955)
Anzilotti, <i>Cours</i>	D. Anzilotti, <i>Cours de droit international</i> , I (trans. G. Gidel) (Paris, 1929)
ASDI	<i>Annuaire Suisse de Droit International</i>
AU	African Union
BILC	<i>British International Law Cases</i> (London, 1965)
1912 <i>British Manual</i>	<i>Land Warfare, an Exposition of the Laws and Usages of War on Land, for the Guidance of Officers of His Majesty's Army</i> , by Colonel J. E. Edmonds and L. Oppenheim (London: His Majesty's Stationery Office, 1912)
1958 <i>British Manual</i>	<i>The Law of War on Land, being Part III of the Manual of Military Law</i> , The War Office (edited by Sir Hersch Lauterpacht and Colonel G. I. D. Draper) (London: Her Majesty's Stationery Office, 1958)
2004 <i>British Manual</i>	<i>The Manual of the Law of Armed Conflict</i> , UK Ministry of Defence, under the general editorship of Major General (retired) Anthony Rogers (Oxford: Oxford University Press, 2004)
Bulletin crim.	<i>Bulletin des arrêts de la Cour de Cassation, Chambre criminelle</i>
BYIL	<i>British Yearbook of International Law</i>
CICR	Comité International de la Croix Rouge
CJIL	<i>Columbia Journal of Transnational Law</i>
CYIL	<i>Canadian Yearbook of International Law</i>
DSB	Dispute Settlement Body (of the WTO)
DSU	Understanding on Rules and Procedures Governing the Settlement of Disputes (annexed to the WTO Agreement)
ECB	<i>European Communities Bulletin</i>
ECHR	European Court of Human Rights
ECJ	European Court of Justice

ECOSOC	Economic and Social Council (of the UN)
EJIL	<i>European Journal of International Law</i>
<i>El Derecho, Jurisprudencia</i>	Consejo general del poder judicial (Madrid), Centro de Documentación Judicial, <i>El Derecho, Jurisprudencia penal, constitucional</i> , http://www.elderecho.com , also on CDRom
<i>Encyclopedia</i>	R. Bernhardt, ed., <i>Encyclopedia of Public International Law</i> , 4 vols. (North Holland: 1992, 1995, 1997, 2000)
FCO	Foreign and Commonwealth Office
Friedman	L. Friedman, ed., <i>The Law of War—A Documentary History</i> , 2 vols. (New York: Random House, 1972)
FRUS	<i>Foreign Relations of the United States</i> (Washington, D.C.: Government Printing Office) many volumes; some of them are entitled: <i>Diplomatic Papers on the Foreign Relations of the United States</i>
FSIA	Foreign Sovereign Immunity Act 1976 (USA)
GA	General Assembly (of the UN)
GAOR	UN General Assembly Official Records
GATT	General Agreement on Tariffs and Trade
GDR	German Democratic Republic (former)
GYIL	<i>German Yearbook of International Law</i>
Hackworth	G. H. Hackworth, <i>Digest of International Law</i> (Washington, D.C.: Government Printing Office, 1942)
HR	Recueil des Cours de l'Académie de La Haye
HRLJ	<i>Human Rights Law Journal</i>
ICAO	International Civil Aviation Organization
ICC	International Criminal Court
ICJ	International Court of Justice
ICJ Reports	Reports of the International Court of Justice
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IFOR	Implementation Force (NATO)
IJIL	<i>Indian Journal of International Law</i>
ILC	UN International Law Commission
ILM	International Legal Materials
ILO	International Labour Organisation
ILR	International Law Reports (since 1950; edited first by Sir H. Lauterpacht and at present by Sir E. Lauterpacht, C. J. Greenwood and A. G. Oppenheimer)
IMT	International Military Tribunal
IRRC	International Review of the Red Cross

IYIL	<i>Italian Yearbook of International Law</i>
JAIL	<i>Japanese Annual of International Law</i>
JDI	<i>Journal du droit international</i>
JICJ	Journal of international Criminal Justice
JYIL	<i>Japanese Yearbook of International Law</i>
Kelsen, <i>Principles</i>	H. Kelsen, <i>Principles of International Law</i> , 2nd edn. revised and edited by R. W. Tucker (New York: Holt, Rinehart & Winston, Inc., 1966)
La Fontaine, <i>Pasicrisie</i>	H. La Fontaine, <i>Pasicrisie internationale—Histoire documentaire des arbitrages internationaux</i> (Berne: Impr. Stämpfli and Co., 1902)
Lapradelle and Politis	A. de Lapradelle and N. Politis, <i>Recueil des Arbitrages internationaux</i> , 3 vols. (Paris: Pedone, 1905, 1923, 1954)
Moore, <i>Digest</i>	J. B. Moore, <i>A Digest of International Law</i> , 8 vols. (Washington, DC: Government Printing Office, 1906)
Moore, <i>History and Digest</i>	J. B. Moore, <i>History and Digest of the International Arbitrations to which the United States has been a Party</i> , 6 vols. (Washington, DC: Government Printing Office, 1898)
Moore, <i>International Adjudications</i>	J. B. Moore, <i>International Adjudications, Ancient and Modern, History and Documents</i> , 6 vols. (New York: Oxford University Press, 1929–31)
NAFO	Northwest Atlantic Fisheries Organization
NIEO	New International Economic Order
NYIL	<i>Netherlands Yearbook of International Law</i>
OAS	Organization of American States
OAU	Organization of African Unity
ONUC	United Nations Operation in Congo
ONUMoz	United Nations Operation in Mozambique
ONUSAL	United Nations Observer Mission in El Salvador
Parry	<i>The Consolidated Treaty Series</i> , edited and annotated by C. Parry, 155 vols plus Indexes (Dobbs Ferry, NY: Oceana Publications, 1969–86)
PCA	Permanent Court of Arbitration
PCIJ	Permanent Court of International Justice
PLO	Palestine Liberation Organization
POW	Prisoner of war
RBDI	<i>Revue Belge de Droit International</i>
RDI	<i>Rivista di Diritto Internazionale</i>
RGDIP	<i>Revue Générale de Droit International Public</i>
RIAA	Reports of International Arbitral Awards
RDIPP	<i>Rivista di diritto internazionale privato e processuale</i>

RUF	Revolutionary United Front of Sierra Leone
SC	Security Council (of the UN)
SCOR	UN Security Council Official Records
SFOR	Stabilisation Force (NATO)
SG	Secretary-General (of the UN)
SOM	Sovereign Order of Malta
Trial Nuremberg	Trial of the Major War Criminals before the International Military Tribunal, Nuremberg, 14 November 1945–1 October 1946 (Nuremberg 1946)
UN	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNAMIR	United Nations Assistance Mission for Rwanda
UNAVEM	United Nations Angola Verification Mission
UNCIO	Documents of the United Nations Conference on International Organization, San Francisco, 1945, 16 vols. (London and New York: United Nations Information Organizations, 1945–6)
UNEF	United Nations Emergency Force
UNEP	United Nations Environment Programme
UNFICYP	United Nations Peace-keeping Force in Cyprus
UNIFIL	United Nations Mission in Lebanon
UNITA	National Union for the Total Independence of Angola
UNMIK	United Nations Mission in Kosovo
UNMOGIP	United Nations Observer Group in India and Pakistan
UNOSOM	United Nations Operation in Somalia
UNPROFOR	United Nations Protection Force
UNTAC	United Nations Transitional Authority in Cambodia
UNTAET	United Nations Transitional Administration in East Timor
UNTEA	United Nations Temporary Executive Authority
UNY	United Nations Yearbook
WEU	Western European Union
Whiteman	M. M. Whiteman, <i>Digest of International Law</i> , 15 vols (Washington, D.C.: Government Printing Office, 1963–70)
WTO	World Trade Organization
YILC	Yearbook of the International Law Commission
ZaöRV	<i>Zeitschrift für ausländisches öffentliches Recht und Völkerrecht</i>

TABLE OF CASES¹

- Abbasi v. Secretary of State for Foreign and Commonwealth Affairs and others, UK, Court of Appeal (civil Division), 6 November 2002 . . . 122
- Abdelbaset Ali Mohamed Al-Megrahi and Al Amin Khalifa Fhimah, UK, Lockerbie Special Court (High Court of Judiciary at Camp Zeist), 31 January 2001 case no. 1475/99, online: www.scotcourts.gov.uk/download/lockerbiejudgment.pdf . . . 470
- Adolfo Francisco Scilingo, *see* Scilingo
- Aegean Sea Continental Shelf (Greece v. Turkey), ICJ, 19 December 1978, ICJ Reports 1978, 4–45 . . . 172, 193, 196
- Affaire Concernant l'Apurement des Comptes, *see* Apurement des Comptes Case
- Akayesu, ICTR, Trial Chamber I, 2 September 1998, case no. ICTR–96–4–T . . . 444, 445
- Aksoy v. Turkey, ECHR, 18 December 1996 . . . 446
- Al-Adsani v. Government of Kuwait, United Kingdom, Court of Appeal, 12 March 1996, in 107 ILR, at 536–51 . . . 107
- Al-Adsani v. United Kingdom, ECHR, 21 November 2001 . . . 105–106
- Al-Khiyam prison, UN Working Group on Arbitrary Detention, Opinion of 28 December 1999, in Report of the Working Group on Arbitrary Detention, UN doc. E/CN.4/2000/4, 28 December 1999, §§ 11–18 . . . 249
- Al-Megrahi, *see* Ali Al-Megrahi and Lamen Khalifa Fhimah
- The Alabama (United States v. Great Britain), 14 September 1872, Alabama Claims Tribunal, in Lapradelle and Politis, II, 712–983 (judgment at 889–894) . . . 195, 253
- Alcom Ltd v. Republic of Colombia and others, UK, House of Lords, 12 April 1984, 1 All ER 6, in 74 ILR, 179–88 . . . 101, 110
- Alfred Dunhill of London, Inc. v. Republic of Cuba et al., USA, Supreme Court, 24 May 1976, 425 U.S. 682; 96 S.Ct.1954; 48 L.Ed.2d 301; 1976 U.S. LEXIS 100 . . . 99,
- Ali Al-Megrahi and Lamen Khalifa Fhimah, United States, US Court of Appeals for the Second Circuit, judgment of 26 November 1996, 101 F 3d 239, 1996 US LEXIS 30611 . . . 393
- Ambascita di Norvegia v. Quattri, Italy, Court of Cassation (plenary), 28 November 1991, no 12771, 74 RDI (1991), 993–7 . . . 104
- AMCO Corporation v. Republic of Indonesia, ICSID Arbitration Tribunal, 25 September 1983 (jurisdiction), 9 December 1983 (provisional measures), 20 November 1984 (merits), 16 May 1986 (annulment), 89 ILR, 366–661 . . . 190
- Amerada Hess Shipping Corporation v. Argentine Republic, USA, 11 September 1987, 830 F.2d 421(1987) 79 ILR, 1–17 . . . 107
- Anglo-Iranian Oil Co. v. Idemitsu Kosan Kabushiki Kaisha (Nissho Maru case), Japan, Tokyo Higher Court, 1953, 20 ILR 305–16 . . . 307
- The Antelope, United States, US Supreme Court, 1825, 23 U.S. (10 Wheaton) 66 (1825), in AILC (1783–1968), vol. I, 35–56 . . . 154
- Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal (1972–1973), ICJ, Advisory Opinion of 12 July 1973, ICJ Reports 1973, 166–300 . . . 193
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Preliminary Objections (Bosnia and Herzegovina v. Federal Republic of

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 ICC: www.un.org/law/icc
 ICTY: www.icty.org
 ICTR: www.icttr.org
 ECHR: www.coe.int
 ITLOS: www.itlos.org
 UN Human Rights bodies: www.unhchr.ch
 IRAN–US Claims Tribunal: www.iusct.org/index-english.html
 National decisions of constitutional courts: www.findlaw.com
 UK: www.courtserve2.net/index.htm
 USA: <http://supct.law.cornell.edu/supct/index.php>

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- Avril, *see* Paul v. Avril
- Azanian Peoples Organization (AZAPO) and others v. President of the Republic of South Africa and others, South Africa, Constitutional Court, 25 July 1996, online: <http://www.worldlii.org/za/cases/ZACC/1996/16.html> . . . 230
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- Beit Sourik Village Council v. The Government of Israel, Israel, Supreme Court Sitting as the High Court of Justice, 30 June 2004, HCJ 2056/04, online <http://62.90.71.124/eng/system/index.htm> . . . 306, 418
- Belilos v. Switzerland, ECHR, 29 April 1988 . . . 175
- Bernstein v. N.V. Nederlandsche-Amerikaanische Stoomvaart-Maatschappij, USA, US Court of Appeals, Second Circuit, 5 February 1954, 210 F.2d 375 (2nd Cir. 1954), 1954 U.S. App. LEXIS 2440 . . . 308
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- Bigi, Italy, Rome Tribunal, order of 18 February 1987, in 24 *RDIPP* (1988), 359–60 (partial English translation in *IYIL* (1988–92), at 44) . . . 111, 117, 118
- Bindels v. Administration des Finances, Belgium, Cour de cassation, 16 June 1947, in *Pasicrisis belge*, I, 1947, 274–5 . . . 224
- Blaškić, ICTY Trial Chamber I, 3 March 2000 (case no. IT-95–14-T) . . . 194, 437
- Blaškić (judgment on the request of Croatia), ICTY, Appeals Chamber, 29 October 1997 (case no. IT-95–14-AR108 bis) . . . 102, 111, 112, 113, 193, 217, 218, 266
- Blaškić (subpoena), *see* Blaškić (judgment on the request of Croatia)
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- Border Guards Prosecution, Germany, German Federal Supreme Court (Bundesgerichtshof), 3 November 1992, in 100 *ILR*, 366–93 . . . 111
- Borgers v. Belgium, ECHR, 25 September 1991 . . . 397
- Bosnia and Herzegovina v. Federal Republic of Yugoslavia (Serbia and Montenegro), *see* Application of the Convention on the Prevention and punishment of the Crime of Genocide
- Bouterse, The Netherlands, Amsterdam Court of Appeal, 20 November 2000, online: www.icj.org/objectives/decision.htm (in English); www.rechtspraak.nl (in Dutch) . . . 119
- Brazilian Federal Loans Issued in France, *see* Payment of various Serbian loans issued in France. Payment in gold of the Brazilian federal loans issued in France
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- Buzzacott v. Hill, Australia, Federal Court of Australia, 1 September 2000, in 39 ILM (2000), 20–68 ... 225
See also Nulyarimma v. Thompson
- Caire, see Estate of Jean-Baptiste Caire (France)
- Calley William L., Jr, United States, Instructions from the Military Judge to the Court Martial Members, March 1971, in Friedman, II, 1703–27 ... 453
- Calley William L., Jr, United States, US Army Court of Military Appeals, 21 December 1973, 22 USCA 534; 1973 CMA LEXIS 627; 48 CMR 19 ... 453
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Separate Opinion judge ad hoc E. Lauterpacht, 444–5 ... 17
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- Case Concerning the Air Service Agreement of 27 March 1946, US-France Arbitral Tribunal, 9 December 1978, RIAA Vol. XVIII, 415–93 ... 244, 261, 301, 302, 306
- Case Concerning the Frontier Dispute (Burkina Faso v. Republic of Mali), ICJ, 22 December 1986, ICJ Reports 1986, 554–651, online: www.icj-cij.org ... 84, 185, 189, 192
- Case Concerning the Gabčíkovo-Nagymaros Project (Hungary v. Slovakia), ICJ, 25 September 1997, ICJ Reports 1997, 7–84, online: www.icj-cij.org ... 168, 256, 306, 489
- Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States of America), see Nicaragua (merits)
- Case of Agreement on German External Debt, Arbitral Tribunal, 16 May 1980, in 84 RGDIP (1980), 1157–1245 (in French) ... 179
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- Case on Application by Courts of General Jurisdiction of Generally Recognized Principles and Norms of International Law and International Agreements of the Russian Federation, Russian Federation, Supreme Court, 10 October 2003, in *Bulleten' Verkhovnogo Suda Rossiiskoi Federatsii*, 2003, at § 1, p.4 ... 228
- Celebići, see Delalic and others,
- Celebići (appeal), see Delalic and others (appeal)
- Central Front—Ethiopia's Claim 2, Eritrea-Ethiopia Claims Commission, Partial Award, 28 April 2004, online: www.pca—cpa.org ... 418, 423
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- Certain Expenses of the UN, see Expenses
- Cesić, ICTY, Trial Chamber I, 11 March 2004, sentencing judgment (case no. IT-95–10/1) ... 462
- Chattin (USA) v. United Mexican States, USA-Mexico Claims Commission, 23 July 1927, in RIAA, IV, 282–312 ... 121
- Chechnya case, see Applicability of the Second Additional Protocol to the Conflict in Chechnya
- Chemin de fer Liégeois-Luxembourg v. Etat

- néerlandais, Belgium, Court of cassation, 11 June 1903, in *Pasicrisie belge*, 1903, I, 294–303 ... 100
- Chilean Nationalization of El Teniente Mine, Germany, Hamburg Superior Court, 13 March 1974, in 13 ILM (1974) 1115–1125 ... 307
- Chinese Women, Japan, Tokyo District Court, 24 April 2003, in 1127 *Hanrei Taimuzu* 281 (in Japanese), cited in Shin Hae Bong, 'Compensation for Victims of Wartime Atrocities: Recent Developments in Japan's Court Case law', in 3 JICJ (2005), forthcoming ... 427
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- Ciccipio v. Islamic Republic of Iran, USA, US Court of Appeals for the District of Columbia Circuit, 29 July 1994, 308 U.S. App. D.C. 102; 30 F.3d 164; 1994 U.S.App. LEXIS 19478 ... 107
- Claim of Finnish Shipowners Against Great Britain in Respect of the Use of Certain Finnish Vessels During the War (Finland v. Great Britain), Award of 9 May 1934, RIAA, III, 1484–1550 ... 219
- Coard and others v. US, Inter-American Commission of Human Rights, Report of 29 September 1999 (case no. 10.951, Report no. 109/99), online: <http://heiwwww.unige.ch/humanrts/cases/1999/us109-99.html> ... 385
- Commonwealth of Independent States, ECHR, Advisory Opinion of 2 June 2004 ... 390
- Compagnie générale des asphaltes de France Case, Award rendered by the British-Venezuelan Mixed Claims Commission, constituted under the Protocols of 13 February and 7 May 1903, RIIA, IX, 389–398 ... 260
- Competence of the ILO Concerning Personal Work of the Employer, PCIJ, Advisory Opinion of 23 July 1926, Series B, no. 13, at 18 ... 179
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