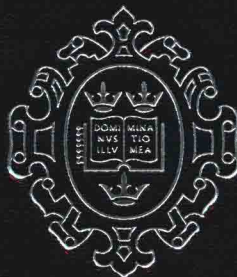

THE MAX PLANCK
ENCYCLOPEDIA
OF PUBLIC
INTERNATIONAL LAW

PUBLISHED UNDER THE AUSPICES OF THE
MAX PLANCK INSTITUTE FOR COMPARATIVE
PUBLIC LAW AND INTERNATIONAL LAW
UNDER THE DIRECTION OF
RÜDIGER WOLFRUM

INDEX AND TABLES



OXFORD

THE MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW INDEX AND TABLES

Published under the Auspices of the
Max Planck Institute for Comparative
Public Law and International Law

And Edited under the Direction of
Rüdiger Wolfrum

ADVISORY BOARD

Armin von Bogdandy Edith Brown Weiss
Jean-Pierre Cot Yoram Dinstein Thomas M. Franck †
Jochen Abr. Frowein Meinhard Hilf
Rahmatullah Khan Martti Koskenniemi
Thomas Läufer Thomas A. Mensah Hanspeter Neuhold
Francisco Orrego Vicuna W. Michael Reisman
Bruno Simma Daniel Thürer Christian Tomuschat
Tullio Treves Michael Wood

MANAGING EDITOR

Frauke Lachenmann



MAX-PLANCK-GESELLSCHAFT

OXFORD
UNIVERSITY PRESS

OXFORD
UNIVERSITY PRESS

Great Clarendon Street, Oxford, OX2 6DP,
United Kingdom

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide. Oxford is a registered trade mark of
Oxford University Press in the UK and in certain other countries

© Oxford University Press 2013

The moral rights of the authors have been asserted

First published in 2013

Impression: 1

All rights reserved. No part of this publication may be reproduced, stored in
a retrieval system, or transmitted, in any form or by any means, without the
prior permission in writing of Oxford University Press, or as expressly permitted
by law, by licence or under terms agreed with the appropriate reprographics
rights organization. Enquiries concerning reproduction outside the scope of the
above should be sent to the Rights Department, Oxford University Press, at the
address above

You must not circulate this work in any other form
and you must impose this same condition on any acquirer

Crown copyright material is reproduced under Class Licence
Number C01P0000148 with the permission of OPSI
and the Queen's Printer for Scotland

British Library Cataloguing in Publication Data
Data available

ISBN 978-0-19-965791-9

Printed by the MPG Printgroup, UK

THE MAX PLANCK ENCYCLOPEDIA
OF PUBLIC INTERNATIONAL LAW
INDEX AND TABLES

CONTENTS

Complete Alphabetical List of Articles	1
List of Articles by Author	37
Table of Decisions of International Adjudicatory Bodies	123
Table of UN Committees' Statements	283
Table of Decisions of National Courts	293
Table of International Instruments	343
Alphabetical Subject Index	743

COMPLETE ALPHABETICAL LIST OF ARTICLES

Volume I

AAPL v Sri Lanka Case	1
Abduction, Transboundary	4
Aboriginal Title	9
Abu Dhabi Oil Arbitration	18
Abuse of Rights	20
Abyei Arbitration	26
Access to Information on Environmental Matters	31
Access to Justice in Environmental Matters	37
Accretion	44
Achille Lauro Affair (1985)	47
Acquiescence	53
<i>Acquis communautaire</i>	58
Act of State Doctrine	62
Administrative Boards, Commissions and Tribunals in International Organizations	66
Admiralty Law	77
Admission of a State to Membership in the United Nations (Advisory Opinions)	87
Adriatic Sea	89
Advisory Opinions	97
Advisory Opinions of the Permanent Court of International Justice on Issues of the International Labour Organization	106
Aegean Sea	113
Aerial Incident Cases before International Courts and Tribunals	119
Afghanistan, Conflict	127
African Charter on Human and Peoples' Rights (1981)	136
African Commission on Human and Peoples' Rights (ACommHPR)	147
African Court of Justice (ACJ)	154
African Court on Human and Peoples' Rights (ACtHPR)	157
African Union (AU)	162
Age Discrimination	174
Agenda 21	184
Agenda for Development	189
Agenda for Peace	196
Aggression	201
Agreement on Trade-Related Aspects of Intellectual Property Rights (1994)	210
Ahmadou Sadio Diallo Case (Republic of Guinea v Democratic Republic of the Congo)	224
Air Defence Identification Zones	231

Air Law	233
Air Transport Agreements, Regulation of Liability	242
Air Transport Disputes, Arbitrations on	246
Air Warfare	251
Airspace	263
Akayesu Case	267
Alabama Arbitration	272
Al-Adsani Case	275
Åland Islands	279
Aliens	285
Aliens, Expulsion and Deportation	294
Aliens, Integration	299
Alliances	305
Altmark, The	312
Amazon River	313
Ambatielos Case	317
Amco v Indonesia Case	320
American Civil War	324
American Convention on Human Rights (1969)	327
American Declaration of the Rights and Duties of Man (1948)	336
American-Canadian Boundary Disputes and Cooperation	342
American-Mexican Boundary Disputes and Cooperation	348
Amnesties	358
Amnesty International (AI)	365
Amu Darya and Syr Darya Rivers and Aral Sea	369
Analogy in International Law	374
Andean Community of Nations (CAN)	381
Andean Community of Nations, Court of Justice	385
Andorra	388
Angary, Right of	391
Anglo-Iranian Oil Company Case	396
Angola	400
Annexation	408
Antarctica	418
Anti-Dumping	436
Anti-Semitism	445
Antitrust or Competition Law, International	450
ANZUS Pact (1951)	458
Apartheid	461
Application of the Convention on the Prevention and Punishment of the Crime of Genocide Case (Bosnia and Herzegovina v Serbia and Montenegro)	468
Aqaba, Gulf of	475
Arab Charter on Human Rights (2004)	480
Arab Free Trade Area Agreement (1997)	493
Arab Maghreb Union (AMU)	496
Arab-Israeli Conflict	499
Arbitral Commission on Property, Rights and Interests in Germany	525
Arbitration	531
Arbitration and Conciliation Treaties	549

Archipelagic Waters	553
Archives	560
Arctic Region	567
Argentina-Chile Frontier Cases	575
Argentine Debt Crisis	579
Armed Activities on the Territory of the Congo Cases	587
Armed Attack	595
Armed Conflict, Effect on Contracts	600
Armed Conflict, Effect on Treaties	606
Armed Conflict, International	612
Armed Conflict, Non-International	626
Armed Forces	637
Armistice	640
Arms, Traffic in	646
Arrest Warrant Case (Democratic Republic of the Congo v Belgium)	653
Artificial Islands, Installations and Structures	661
Asama Maru Incident (1940)	665
Asian-African Legal Consultative Organization (AALCO)	667
Asia-Pacific Economic Co-operation (APEC)	674
Assembly, Freedom of, International Protection	678
Assimilation, Forced	684
Association, Freedom of, International Protection	689
Association of Southeast Asian Nations (ASEAN)	695
Astronauts	710
Asylum, Diplomatic	713
Asylum, Territorial	716
Asymmetric Warfare	725
Atlantic Charter (1941)	734
Atmosphere, International Protection	737
Austrian State Treaty (1955)	744
<i>Aut dedere aut iudicare</i>	749
Autonomy	754
Avena and Other Mexican Nationals Case (Mexico v United States of America)	768
Badinter Commission (for the Former Yugoslavia)	775
Balance of Power	786
Balkan Pact (1953–54)	790
Baltic Sea	794
Baltic States	803
Banco de Bilbao v Sancha and Rey Case	817
Bandung Conference (1955)	819
Bank for International Settlements (BIS)	821
Banković Case	826
Barcelona Traction Case	832
Barents Sea	840
Barrios Altos Case	847
Baselines	852
Bays and Gulfs	859

Beagle Channel Dispute	863
Belgium-Luxembourg Economic Union (BLEU)	869
Belize Dispute	874
Belligerency	878
Belts and Sund	883
Bering Sea	888
Berlin (1945–91)	894
Berlin Congress (1878)	900
Berlin West Africa Conference (1884–85)	906
Best Practices	908
Bhutan	914
Biafra Conflict	920
Biological Diversity, International Protection	927
Biological Safety	937
Biological Weapons and Warfare	944
Black Sea	949
Blaškić Case	956
Blockade	960
Bogotá Pact (1948)	972
Bombardment	979
Bonn and Paris Agreements on Germany (1952 and 1954)	985
Booty in Warfare	990
Borchgrave Case	993
Border and Transborder Armed Actions Case (Nicaragua v Honduras; Nicaragua v Costa Rica)	998
Bosphorus Case	1001
Boundary Disputes in Africa	1008
Boundary Disputes in Latin America	1017
Boundary Settlements of Germany after World War II	1028
Boycott	1039
Brahmaputra River	1045
Brazilian Loans Case and Serbian Loans Case	1049
Brest-Litovsk, Peace of (1918)	1051
Bretton Woods Conference (1944)	1054
Broadcasting, International Regulation	1059
Broniowski Case	1062
Brussels Declaration (1874)	1069
Bryan Treaties (1913–14)	1071
Buraimi Oasis Dispute	1073
Burundi	1075
Cabotage	1082
Calvo Doctrine/Calvo Clause	1086
Cambodia Conflicts (Kampuchea)	1093
Camp David Accords (1978)	1104
Canals	1109
Canevaro Claim Arbitration	1113
Capital, Free Flow of	1115
Capitulations	1122

Caribbean Community (CARICOM)	1125
Caribbean Court of Justice (CCJ)	1130
Carnegie Endowment for International Peace	1136
Caroline, The	1141
Casamance Conflict	1143

Volume II

Case Concerning Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v France)	1
Cash and Carry Clause	5
Cavallo Case	7
Ceasefire	10
Central African Economic and Monetary Community (CAEMC)	18
Central America	22
Central American Court of Justice (1907–18)	28
Central American Court of Justice (CACJ)	33
Central American Integration System (SICA)	37
Central Treaty Organization (CENTO)	46
Certain Criminal Proceedings in France Case (Congo v France)	49
Certain Expenses of the United Nations (Advisory Opinion)	53
Certain Phosphate Lands in Nauru Case (Nauru v Australia)	57
Certain Property Case (Liechtenstein v Germany)	61
Cession	65
Ceuta and Melilla	70
Channel Islands and Isle of Man	78
Channel Tunnel	81
Charter of Economic Rights and Duties of States (1974)	87
Charter of Fundamental Rights of the European Union (2000)	90
Chechnya	97
Chemical Weapons and Warfare	108
Chevreau Claim Arbitration	115
Chicago Convention (1944)	117
Child Abduction	121
Children and Armed Conflict	128
Children, International Protection	138
Chilean Copper, Nationalization, Review by Courts of Third States	145
China	148
Civil Aviation, Offences against Safety	159
Civil Defence	163
Civil Service, International	167
Civil Society	175
Civilian Objects	185
Civilian Participation in Armed Conflict	191
Civilian Population in Armed Conflict	197
Civilized Nations	209
Claims, International	216
Clean Development Mechanism	225
Clean Hands, Principle	232

Clerget v Banque commerciale pour l'Europe du Nord Case 235

Climate, International Protection 236

Clipperton Island Arbitration 247

Cloning, International Regulation 248

Cluster Munitions 257

Coded Communications (Encryption) 260

Codes of Conduct 264

Codex Alimentarius Commission (CAC) 276

Codification and Progressive Development of International Law 282

Coercion 296

Cold War (1947–91) 300

Collective Punishment 311

Collective Security 316

Collective Security Treaty Organization (CSTO). 322

Collisions at Sea 327

Colombo Plan (CP) 329

Colonialism 332

Colorado River 341

Columbia River 346

Combatants 350

Combatants, Unlawful 360

Comité Juridique (COJUR) 369

Comity 375

Command Responsibility 379

Commercial Arbitration and Mediation Center for the Americas (CAMCA) 384

Commercial Arbitration, International 386

Commercial Contracts, UNIDROIT Principles 397

Commercial Treaties 406

Commission on Sustainable Development (CSD). 418

Committee of Legal Advisers on Public International Law (CAHDI) 422

Committee on Economic, Social and Cultural Rights (CESCR) 427

Commodities, International Regulation of Production and Trade 435

Common but Differentiated Responsibilities 444

Common Fund for Commodities (CFC) 449

Common Heritage of Mankind 452

Common Market for Eastern and Southern Africa (COMESA). 458

Commonwealth 462

Commonwealth, Subjects and Nationality Rules. 470

Community Interest 477

Comparative Law, Functions and Methods 487

Compensation 499

Compensation for Personal Damages Suffered during World War II 508

Compensation Fund 519

Competences of the International Labour Organization (Advisory Opinion). 525

Compliance 530

Compliance, Theory of. 557

Compromis 564

Concessions 568

Conciliation 576

Conciliation Commissions Established pursuant to Art. 83 Peace Treaty with Italy (1947)	582
Concordats	587
Conditionality	591
Condominium and Coimperium	598
Confederations of States	601
Conference (Meeting) of States Parties	605
Conferences and Congresses, International	612
Conferences on the Law of the Sea	623
Confidence-Building Measures	636
Conflict Prevention	643
Congo, Democratic Republic of the	651
Congo River	657
Connally Reservation	662
Conquest	665
Conscientious Objection	669
Consensus	673
Consent	679
Conservation of Natural Resources	684
Consular Functions	694
Consular Jurisdiction	699
Consular Treaties	701
Consuls	708
Contiguous Zone	714
Continental Shelf	719
Continental Shelf Arbitration (France v United Kingdom)	728
Continental Shelf Case (Libyan Arab Jamahiriya/Malta)	732
Continental Shelf, Commission on the Limits of the	736
Continuity of States	742
Continuous Nationality	746
Contraband	749
Contracts between International Organizations and Private Law Persons	754
Contracts between States and Foreign Private Law Persons	758
Contributions	766
Conventional Armed Forces in Europe (CFE) Regime	769
Convoy	775
Cooperation Council for the Arab States of the Gulf (GCC)	777
Cooperation, International Law of	783
Corfu Channel Case	792
Corporations in International Law	797
Corruption, Fight against	813
Costa Rica Packet Arbitration	823
Costa v ENEL Case	824
Côte d'Ivoire	829
Council of Europe (COE)	834
Credentials	848
Crimean War (1853–56)	852
Crimes against Humanity	855
Criminal Jurisdiction of States under International Law	861

Critical Theory.....870

Croatia.....879

Cuba.....886

Cuban Missile Crisis.....892

Cultural Diversity.....897

Cultural Heritage.....906

Cultural Life, Right to Participate in, International Protection.....916

Cultural Property, Protection in Armed Conflict.....924

Currency Control.....930

Curzon Line.....934

Customary International Law.....937

Customs Law, International.....957

Customs Regime between Germany and Austria (Advisory Opinion).....980

Customs Unions.....982

Cyber Warfare.....988

Cyprus.....995

Czechoslovakia, Dissolution of.....1007

Danube River.....1012

Danzig, Free City of.....1018

Dardanelles and Bosphorus.....1027

Data, Transboundary Flow, International Protection.....1033

Dawes Plan (1924) and Young Plan (1930).....1044

De Facto Organs of a State.....1048

De Facto Regime.....1052

De Facto Subjects.....1055

Death Penalty.....1056

Debellatio.....1065

Debt Crisis.....1068

Debt-for-Nature Swaps.....1078

Debts.....1082

Declaration.....1090

Decolonization.....1093

Decolonization: Belgian Territories.....1098

Decolonization: Dutch Territories.....1104

Decolonization: French Territories.....1109

Decolonization: Portuguese Territories.....1118

Decolonization: Spanish Territories.....1124

Delagoa Bay Arbitration.....1136

Volume III

Delagoa Bay Railway Arbitration.....1

Delalić Case.....3

Demarcation Line.....7

Démarche, Diplomatic.....9

Demilitarization.....11

Democracy, Right to, International Protection.....15

Denaturalization and Forced Exile.....27

Denial of Justice	36
Depositary	46
Deserters	50
Desertification	54
Desuetudo	60
Detention, Arbitrary	64
Developing Countries	70
Development, International Law of	78
Development, Right to, International Protection	85
Senkaku/Diaoyu Islands	90
Diego Garcia (British Indian Ocean Territory)	93
Diplomacy	97
Diplomatic Communications, Forms of	106
Diplomatic Courier and Bag	110
Diplomatic Protection	114
Diplomatic Protocol	134
Disabled People, Non-Discrimination of	140
Disappearances	146
Disarmament	150
Dismemberment of States	159
Dispute regarding Navigational and Related Rights Case (Costa Rica v Nicaragua)	163
Distress	168
Divided States	172
Doctrines (Monroe, Hallstein, Brezhnev, Stimson)	181
Dogger Bank Incident (1904)	190
Doha Round	192
Takeshima/Dok Do Island	203
Domaine Réservé	206
Dominican Republic	216
Dominican Republic-Central America Free Trade Agreement (2004)	220
Double Taxation	223
Dover, Strait of	229
Drago-Porter Convention (1907)	234
Due Diligence	236
Dumbarton Oaks Conference (1944)	247
Duty to Protect in Cases of Natural Disasters	249
Earth Charter (2000)	259
Eastern Carelia (Request for Advisory Opinion)	264
Eastern Greenland Case	267
EC-Bananas Case	269
EC-Hormones Case	278
Eco-Labeling	281
Ecological Protection Zones	287
Economic Coercion	291
Economic Community of Central African States	294
Economic Court of the Commonwealth of Independent States	299
Economic Integration, Comparative Analysis	302

Economic Organizations and Groups, International 310

Economic Sanctions 323

Economic Warfare 330

Education, Right to, International Protection 339

Effectiveness 348

Eichmann Case 353

Elbe River 358

Election Monitoring, International 362

Elections, Right to Participate in, International Protection 370

Elettronica Sicula Case 377

Emblems, Internationally Protected 382

Emergency, State of 391

Emissions Trading 400

Ems-Dollard 407

Enclaves 411

Enclosed or Semi-Enclosed Seas 415

Endangered Species, International Protection 423

Enemy Property 430

Entente Cordiale 439

Environment and Human Rights 446

Environment and Indigenous Peoples 455

Environment, International Protection 461

Environment, Multilateral Agreements 484

Environment, Private Standard-Setting 499

Environment, Protection in Armed Conflict 509

Environment, Role of Non-Governmental Organizations 519

Environmental Accidents 531

Environmental Compliance Control 541

Environmental Dispute Settlement 561

Environmental Ethics 572

Environmental Impact Assessment 580

Environmentally Sound Economic Activity, International Law 592

Eparses Islands 597

Equality of Individuals 600

Equator Principles 615

Equitable Utilization of Shared Resources 622

Equity in International Law 632

Eritrea 642

Eritrea-Ethiopia Claims Commission 651

Eritrea-Yemen Arbitration 660

ERTA Case 668

Estoppel 671

Estuaries 677

Ethnic Cleansing 681

Ethnicity 697

Ethos, Ethics, and Morality in International Relations 709

Eurasian Economic Community (EurAsEC) 718

European Administrative Law 723

European Arrest Warrant 733

European Atomic Energy Community (Euratom).....	737
European Atomic Energy Society	745
European Central Bank (ECB)	747
European Citizenship	756
European Civil Aviation Conference (ECAC)	764
European Coal and Steel Community (ECSC)	767
European Commission of the Danube, Jurisdiction of the (Advisory Opinion)	777
European Common Foreign and Security Policy	782
European Common Security and Defence Policy	792
European Community and Union, Association Agreements	802
European Community and Union, Association of Overseas Countries and Territories	807
European Community and Union, Decision-Making and Competences on International Law Issues	814
European Community and Union Law and Domestic (Municipal) Law	822
European Community and Union Law and International Law	828
European Community, Membership in International Organizations or Institutions	839
European Community and Union, Mixed Agreements	854
European Community and Union, Party to International Agreements	860
European Community, Supplementary Agreements between Member States	871
European Convention for the Peaceful Settlement of Disputes (1957)	877
European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)	882
European Convention on State Immunity (1972)	889
European Court of Human Rights (ECtHR)	894
European Economic Area (EEA)	907
European (Economic) Community	912
European Free Trade Association (EFTA)	928
European Integration	934
European Organization for Nuclear Research (CERN)	944
European Organization for the Safety of Air Navigation (EUROCONTROL)	947
European Passport	953
European Patent System	958
European Schools	965
European Social Charter	969
European Space Agency (ESA)	979
European Union, Court of Justice and General Court	985
European Union, Historical Evolution	1000
Europol	1009
EUTELSAT	1019
Euthanasia	1022
<i>Ex aequo et bono</i>	1030
Exclusive Economic Zone	1035
Executive Agreements	1052
Expropriated Religious Properties Arbitration (France, United Kingdom, Spain v Portugal)	1056

Extradition	1057
Extraterritoriality	1070
Fact-Finding	1077
Failing States	1084
Fair and Equitable Treatment	1094
Fair Trial, Right to, International Protection	1104
Falkland Islands/Islas Malvinas	1112
Family, Right to, International Protection	1119
Faroe Islands	1126
Fault	1128
Federal States	1136

Volume IV

Feminism, Approach to International Law	1
Final Act	8
Final Clauses	11
Financial Assistance	15
Financial Institutions, International	21
Fish Stocks	29
Fisheries Agreements	40
Fisheries Case (United Kingdom v Norway)	51
Fisheries, Coastal	53
Fisheries, Commissions and Organizations	56
Fisheries, High Seas	66
Fisheries Jurisdiction Case (Spain v Canada)	75
Fisheries Jurisdiction Cases (United Kingdom v Iceland; Federal Republic of Germany v Iceland)	78
Fisheries, Sedentary	84
Fishery Zones and Limits	89
Fishing Boats	93
Flag of Ships	98
Flags and Uniforms in War	116
Flags of Convenience	118
Flags of Truce	126
Flegenheimer Claim	127
Florida, The	130
Flying Trader, The	132
Food and Agriculture Organization of the United Nations (FAO)	134
Food, Right to, International Protection	143
<i>Force majeure</i>	151
Forced Labour/Slave Labour	154
Forced Population Transfer	165
Foreign Aid Agreements	175
Foreign Relations Law	178
Forests, International Protection	190
Forum non conveniens	198
Fourteen Points of Wilson (1918)	203