

INTERNATIONAL LAW

Second Edition

D. W. GREIG

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INTERNATIONAL LAW

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PREFACE

In the Preface to the First Edition it was stated that this book had two principal aims. First, it had as its object a survey of both the general law of peace and the law of international institutions within the same framework. Hence aspects of the law of international institutions were discussed in the chapters on international personality, recognition, and jurisdiction, in addition to the wide coverage contained in the chapters on international organisations towards the end of the book. Secondly, it was designed to provide a far more detailed overall treatment of the subject matter than was given in most one-volume texts. These aims remain unchanged

It was also explained that, throughout, a good deal of use had been made of United States practice and of decisions of American courts. It was felt that to present primarily the United Kingdom view and the decisions of English courts would have been harmful to what must be a basic consideration in writing a book on international law—that is, to be as “international” in outlook as possible. While it was not possible within the confines of a single volume to cover in detail how other legal systems dealt with such problems as the relationship between international law and municipal law, recognition, or sovereign immunities, nevertheless brief descriptions were included of the approaches to be found in a number of other common law jurisdictions and in the states of Continental Europe towards such matters.

The work was, and remains, primarily a lawyer’s book, aimed principally at students taking final year courses as part of their degree, or studying general aspects of international law as part of an initial postgraduate degree, or diploma, by examination. It is hoped, however, that much of it will also be suitable for students of international relations who take something more than a brief introductory course in international law as part of a politics degree. Without losing sight of the object of writing a book on international law, the attempt has therefore been made to demonstrate wherever appropriate that international law is only one aspect of the conduct of international relations.

The increasing complexity of state practice and the rapidity with which the relations of states are being affected by new developments within the international community have made the writing of a second edition a daunting task. Even after a particular section reached the stage of a final

draft, amendments became necessary as a result of some new evidence suggesting a change of emphasis in the formulation of the law.

Nowhere was the pace of change more evident than in the law of the sea. Basically the objective of this edition was to state the legal situation in the light of materials available to the end of 1974, but the Single Negotiating Text emanating from the Geneva Session of the third UNCLOS in May, 1975, necessitated a rewriting of a number of sections on maritime law. Though the Negotiating Text does not represent the finalised work of the Conference, it was felt that it was better to illustrate recent trends by reference to the Negotiating Text, than to present an entirely false picture based upon a traditional view of the law. Once the 1974 cut-off date was breached a number of other subsequent developments in various areas also needed inclusion. And, at the proof stage, several footnote references were included to the *Western Sahara* Advisory Opinion because of the relevance of that case to a number of observations made in the main text of the book.

I should like to express my thanks to those who assisted in various aspects of the work: to Mrs. Robin Burnett, of the A.N.U. Law School, who was ever available to throw cold water over a number of over-academic and scarcely practical theories on various aspects of international law; to Mrs. Ann Marshall whose skill with typewriter, scissors and paste brought a semblance of order to the process of producing a final draft for the printers; to Mr. Bill Edeson, who was kind enough to undertake to read the proofs soon after his arrival in Canberra; and to Miss Linda Cuming who, on taking up her first permanent secretarial post, took on the daunting task of checking the references. For any errors or misinterpretations that may remain, however, the author cannot escape responsibility!

Canberra
March 1976

D. W. GREIG

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