

David Harris

# Cases and Materials on International Law

Seventh Edition



**SWEET & MAXWELL**

# **CASES AND MATERIALS ON INTERNATIONAL LAW**

**SEVENTH EDITION**

**By**

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A/RES/ES-10/15. Reprinted by permission of the United Nations.

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Brierly, J. L.: *The Law of Nations: An Introduction to the International Law of Peace* (6th edn 1963). Reprinted by permission of Oxford University Press.

*Broeks v Netherlands* Human Rights Committee (1987) 2 Selected Decisions H.R.C. 196. Reprinted by permission of the United Nations.

Brownlie, Ian and Bowett, Derek: *British Yearbook of International law* (1981) cols 277–279/1121–1122 and cols 1097–1098. Reprinted by permission of Oxford University Press.

Brownlie, Ian and Bowett, Derek, *British Yearbook of International law* (1986) pp.27–28. Reprinted by permission of Oxford University Press.

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*Caglar v Billingham* [1996] S.T.C. 150 at 171. Reproduced by permission of Reed Elsevier (UK) Limited, trading as LexisNexis.

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Cassese, Antonio: *International Law* (2nd edn 2005) pp.165–166. Reprinted by permission of Oxford University Press.

Charter of the United Nations (3rd edn 1969), p.49. Reprinted by permission of the United Nations.

Craven, Matthew "The European Community Arbitration Commission on Yugoslavia", *British Yearbook of International Law* (1996). pp.370–371. Reprinted by permission on Oxford University Press.

Crawford, James: *The Creation of States in International Law* (1979) p.118. Reprinted by permission of Oxford University Press.

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*Estrella v Uruguay* Human Rights Committee. (1983) 2 Selected Decisions H.R.C. 93. Reprinted by permission of the United Nations.

Evans, Malcolm: *International Law* (2nd edn 2006) pp.602–604. Reprinted by permission of Oxford University Press.

*Fillastre and Bizouarn v Bolivia* HRC Report, G.A.O.R., 48th Sess., Supp.40, (1992) p.294. Reprinted by permission of the United Nations.

Fitzmaurice, Gerald "Some Problems Regarding the Formal Sources of International Law", *Symbolae Verzijl* (1958) p.153. Reprinted by permission of Koninklijke BRILL NV.

Fitzmaurice, Gerald "The General Principles of International Law Considered from the Standpoint of the Rule of Law", *Recueil des Cours*, Collected Courses, Volume 92 (1957-II). Reprinted by permission of Koninklijke BRILL NV.

Fitzmaurice, Gerald: "The Foundations of the Authority of International law and the Problem of Enforcement", *Modern Law Review* (1956). Reprinted by permission of Wiley-Blackwell.

Fitzmaurice, Gerald: "The Law and Procedure of the International Court of Justice: Treaty Interpretation and Certain Other Treaty Points" (1951) 28 B.Y.I.L. 1. Reprinted by permission of Chatham House (The Royal Institute of International Affairs).

Galloway, L. Thomas: *Recognizing foreign governments: the practice of the United States* (1978). Reprinted by permission of the American Enterprise Institute.

General Assembly Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations 1970. Reprinted by permission of the United Nations.

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*Guerrero v Colombia* (1982) 1 Selected Decisions H.R.C. 112. Reprinted by permission of the United Nations.

Guiding Principles Applicable to Unilateral Declarations of States Capable of Creating Legal Obligations 2006, UN Doc.A/61/10 p.367. Reprinted by permission of the United Nations.

Henkin, Louis: *How Nations Behave* (1979), pp.121–127. Reproduced with permission of Colombia University Press.

Higgins, Rosalyn, "Respecting Sovereign States and running a tight Courtroom" from *International Comparative Law Quarterly* 121 at 122–123 (2001). Reprinted by permission of Cambridge University Press.

Higgins, Rosalyn, *Problems and Process: International Law and How We Use It* (1995) pp.96–97. Reprinted by permission of Oxford University Press.

Iron Rhine Railway Arbitration, 2005. Reprinted by permission of Permanent Court of Arbitration.

Jennings, Robert and Watts, Arthur: *Oppenheim's International Law* (9th edn 1992), Vol.I. Reprinted by permission of Oxford University Press.

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Higgins, Rosalyn, "The Anglo Norwegian Fishing Case" from *International Comparative Law Quarterly* 145 (1952). Reprinted by permission of Cambridge University Press.

Johnson, D. H. N.: "The Anglo Norwegian Fishing Case" from *International Comparative Law Quarterly* 145 (1952). Reprinted by permission of Cambridge University Press.

*Kuwait v American Independent Oil Co* (1982) International Legal Materials. Reprinted by permission of the American Society of International Law.

*Lantsova v Russian Federation* CCPR/C/74/D/763/1997. Reprinted by permission of the United Nations.

Lauterpacht, Hersch: "Survey Of International Law In Relation To The Work Of Codification Of The International Law Commission", Memorandum prepared for the UN Secretariat, UN Doc.A/CN.4/1/Rev.1 (February 10, 1949) pp.19–20. Reprinted by permission of the United Nations.

*Mbenge v Zaire* (1983) 2 Selected Decisions H.R.C. 76 at 79. Reprinted by permission of the United Nations.

McGoldrick, Dominic: *From 9–11 to the Iraq War 2003: International Law in an Age of Complexity*. Reprinted by permission of Hart Publishing Ltd.

McMahon, J.F.: "Legal Aspects of Outer Space" (1962) 38 B.Y.I.L. 339. Reprinted by permission of Chatham House (The Royal Institute of International Affairs).

McNair, A. D.: "The Functions and Differing Legal Character of Treaties" (1930) 11 B.Y.I.L. 100. Reprinted by permission of Chatham House (The Royal Institute of International Affairs).

Mcrae, Donald: "The Legal Effect of Interpretive Declarations", *British Yearbook of International Law* Vol.49 (1979) pp.172–173. Reprinted by permission of Oxford University Press.

Meeker, L.: "Defensive Quarantine and the Law" from *American Journal of International Law* (1963). Reprinted by permission of the American Society of International Law.

Meron, Theodor: *Human Rights and Humanitarian Norms as Customary Law* (1989) pp.95–98. Reprinted by permission of Oxford University Press.

*Minister of Health v Treatment Action Campaign* (2002) Butterworths' Human Rights Cases 1. Reproduced by permission of Reed Elsevier (UK) Limited, trading as LexisNexis.

Morgenthau, Hans J.: *Politics Among nations* (6th edn 1985), pp.312–313. Reprinted by permission of McGraw-Hill.

Pratt and Morgan v Jamaica HRC Report, G.A.O.R., 44th Sess., Supp.40, p.222 at 230 (1989). Reprinted by permission of the United Nations.

Report of the Study Group on the International Court of Justice established by the British Institute of International and Comparative Law, *International Comparative Law Quarterly* (1996) pp.24–25. Published by permission of Cambridge University Press.

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Rosenstock, Robert, "The ILC and State Responsibility" from *American Journal of International Law* (2002). Reprinted by permission of the American Society of International Law.

Security Council, S/PV.3988, p.4, March 26, 1999. Reprinted by permission of the United Nations.

Shirer, William L.: *The Rise and Fall of the Third Reich* (N.Y.: Simon and Schuster, Inc., 1959).

Sieghart, Paul: *Lawful Rights of Mankind* (1986) p.151. Reprinted with permission of Oxford University Press.

*Sierra Leone Telecommunications Co Ltd v Barclays Bank Plc*, [1998] All. E.R. 821, QB. Reproduced by permission of Reed Elsevier (UK) Limited, trading as LexisNexis.

*Silva v Uruguay* Human Rights Committee. (1981) 1 Selected Decisions H.R.C. 65. Reprinted by permission of the United Nations.

Simma, Bruno: *Charter of the United Nations* (2nd edn 2002) Vol.1, pp.722–726. Reprinted by permission of Oxford University Press.

Sloan, Blaine, *United Nations General Assembly Resolutions in our Changing World* (1991) pp.71–75. Reprinted by permission of Koninklijke BRILL NV.

Sztucki, Jerzy: "Reflections on International Soft Law", *Festschrift till Lars Hjern* (1961). Reprinted by permission of Norstedts Juridik.

The Entebbe Incident UN Doc. S/PV. 1939, pp.27, 51–59, 92 and UN Doc. S/PV.

Thürer, Daniel: 'The "failed State" and International Law', in: *International Review of the Red Cross*, No. 836, 1999, pp.731–761. Reprinted by permission of International Committee of the Red Cross.

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van Hoof, G. J. H.: *Rethinking the Sources of International Law* (1983), pp.187–189. Reprinted by permission of Kluwer Publishing.

Vienna Convention on the Law of Treaties (1969). Reprinted by permission of the United Nations.

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# PREFACE TO THE SEVENTH EDITION

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There have been many important developments in international law since the last edition of this casebook. The credit for many of these goes to the International Court of Justice. The Court's *Wall* advisory opinion is notable for its further clarification of the inter-relationship of international humanitarian law and international human rights law and its confirmation of the extra-territorial effect of UN human rights treaties, as well as for its ruling that the wall could not be justified on grounds of self defence. Self defence was also in issue in the *Armed Activities* case, in which the Court gave an important judgment on various aspects of the prohibition of the use of armed force, in one of the very few cases in which this crucial area of international law has been squarely addressed by it. When the same litigants returned to The Hague in the *Armed Activities (New Application)* case, the Court, disappointingly, rejected an argument that a reservation to the Genocide Convention was invalid as contrary to *ius cogens*; but at least it did recognise, for the first time in its history, that *ius cogens* is a concept known to customary international law. Similarly, its findings in the *Genocide* case on claims of genocide in the Balkan conflict have met with a mixed response. Very welcome were the Court's clarifications of the law on diplomatic protection of individuals and companies in the *Diallo* case. In other judgments there were more rulings on maritime boundaries and territorial title, which have long been the Court's staple diet. In one of these judgments, in the *Pedra Branca* case, the Court pronounced helpfully on prescription as a basis for title. Finally, the doctrine of *forum prorogatum* came alive again, with the Court's ruling that it had jurisdiction on this basis in the *Certain Questions of Mutual Assistance* case. At the time of writing, the Court had yet to give its eagerly anticipated response to the General Assembly's request for an advisory opinion on the *Kosovo* case.

But the International Court of Justice has had no monopoly as a source of recent developments in international law. ICSID arbitration awards, such as the *CMS Gas* case, have applied the law concerning necessity as a ground precluding wrongfulness and the Eritrea-Ethiopia Claims Commission has given a controversial ruling on the legality of obtaining title by the use of force (*Partial Award: Ius Ad Bellum: Ethiopia's Claims 1-8 Claims*). The International Law Commission has produced new texts, including its Draft Articles on Diplomatic Protection, which contain some challenging proposals for progressive development, and its Guiding Principles applicable to Unilateral Declarations of States. A decision on the question whether the Commission's Draft Articles on State Responsibility for Internationally Wrongful Acts will be translated into a treaty was further postponed. Elsewhere, the Security Council was unexpectedly called upon to "legislate" in an unfamiliar area, empowering states to act against the seizure of ships off Somalia.

An important institutional change took place in the UN human rights system, with the replacement of the UN Commission on Human Rights by the UN Human Rights Council. Although the Council is proving to be no less influenced by politics than its predecessor, its new Universal Periodic Review procedure may become a significant innovation. New UN human rights instruments have also been adopted, particularly the Convention on the Rights of Persons with Disabilities, the Convention for the

Protection of All Persons from Enforced Disappearance and the Declaration on the Rights of Indigenous Peoples. The HRC and CAT have given important rulings on extraordinary rendition (Agiza , Alzery) and abortion (Llantoy Huamain).

In responding to these and other developments, I have been greatly assisted in bringing the casebook up to date by Chris Henderson, a former PhD student in the University of Nottingham School of Law, and Claire Balding, an intern on the University of Nottingham Talent Builder programme in the Human Rights Law Centre of the School of Law. I would like to thank them for their excellent work as research assistants in the preparation of this new edition.

The book generally takes account of developments as far as January 2010. Where possible, more recent developments have been noted.

D.J. Harris  
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April 2010

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