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Public International Law

in a
nutshell

THOMAS BUERGENTHAL
SEAN D. MURPHY

5TH EDITION



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PUBLIC INTERNATIONAL LAW IN A NUTSHELL

FIFTH EDITION

By

THOMAS BUERGENTHAL

常州大学图书馆藏
Judge (ret.) International Court of Justice
Dobsonier Professor of Comparative
Law and Jurisprudence
George Washington University

SEAN D. MURPHY

Patricia Roberts Harris Research
Professor of Law

George Washington University
Member, United Nations International
Law Commission

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PREFACE TO THE FIFTH EDITION

This fifth edition of the Nutshell on Public International Law is designed to introduce the lawyer and the law student to the basic doctrines, institutions, and methodology of modern public international law. It is also intended as a text capable of supplementing and helping with the conceptual integration of the teaching materials on international law in use in the United States.

In a short volume of this type, the risk is great that, in the effort to consolidate and to be brief, material will be distorted or oversimplified. We have sought to reduce that risk by providing references to cases, secondary sources, and other materials where the reader can find more detailed information and nuances on the points covered. At the same time, we have sought to address certain specialized areas of international law, such as human rights, international environmental law, and the law of the sea. In the final chapter, we provide extensive information on techniques for researching international law, with particular attention to the resources now available on the Internet.

As was noted in the first edition, what to cover and what to omit ultimately is a matter of personal judgment and preference, as well as of available

space. Our decision regarding content and coverage was guided in part by what we deem to be important for understanding the basic elements of contemporary international law, recognizing full well that much more remains to be said about the topics we have covered and that a great deal of material has not been considered at all. We hope that this book will stimulate the reader to pursue the further study of international law. Given the world we live in, public international law is a subject whose basic institutions and concepts need to be understood by the legal profession as a whole.

THOMAS BUERGENTHAL
SEAN D. MURPHY

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AC	Appeal Cases
Am. J. Int'l L.	American Journal of International Law
Am. U.J. Int'l L. & Pol'y	American University Journal of International Law and Policy
Am. U.L. Rev.	American University Law Review
ATS	Alien Tort Statute
Austl. Y.B. Int'l L.	Australian Yearbook of International Law
Brit. Y.B. Int'l L.	British Yearbook of International Law
Cardozo L. Rev.	Cardozo Law Review
C.F.R.	Code of Federal Regulations
C.M.L.R.	Common Market Law Reports
Colum. J. Eur. L.	Columbia Journal of European Law
Colum. J. Transnat'l L.	Columbia Journal of Transnational Law
ECJ	European Court of Justice
EEZ	Exclusive Economic Zone
E.C.R.	European Court Reporter
EU	European Union

Eur. J. Int'l L.	European Journal of International Law
EWHC	High Court of Justice of England and Wales
F.2d	Federal Reporter 1932–1992
F.3d	Federal Reporter 1993–present
Fed. Reg.	Federal Register
FSIA	Foreign Sovereign Immunities Act
F. Supp.	Federal Supplement 1932–1960
F. Supp.2d	Federal Supplement 1960–present
G.A.O.R.	United Nations General Assembly Official Records
G.A. Res.	United Nations General Assembly Resolution
Geo. Wash. Int'l L. Rev.	George Washington International Law Review
Geo. Wash. J. Int'l L. & Econ.	George Washington Journal of International Law and Economics
Harv. Envtl. L. Rev.	Harvard Environmental Law Review
Harv. Int'l L.J.	Harvard International Law Journal
Harv. L. Rev.	Harvard Law Review
Hastings L.J.	Hastings Law Journal

H.L.	House of Lords
H.R.	House of Representatives Bill
Hum. Rights L.J.	Human Rights Law Journal
Hum. Rights Q.	Human Rights Quarterly
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
I.C.C.	International Criminal Court
I.C.J.	International Court of Justice (Reports of Judgments, Advisory Opinions and Orders)
ICTY	International Criminal Tribunal for the former Yugoslavia
I.L.M.	International Legal Materials
I.L.R.	International Law Reports
IMF	International Monetary Fund
Inter-Am. Court H.R.	Inter-American Court of Human Rights
Int'l & Comp. L.Q.	International and Comparative Law Quarterly
Int'l J. Mar. & Coastal L.	International Journal of Maritime and Coastal Law
Iran-U.S. Cl. Trib. Rep.	Iran-United States Claims Tribunal Reports