

**5th** EDITION

# Cases & Materials on



# International Law

**Martin Dixon,  
Robert McCorquodale  
& Sarah Williams**



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# Cases and Materials on **International Law**

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*Fifth Edition*

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## PREFACE TO THE FIRST EDITION

*[A]n international organisation... is not a native, but nor is it a visitor from abroad. It comes from the invisible depths of outer space.*

Lord Donaldson MR in *Arab Monetary Fund v Hashim (No 3)* [1990] 2 All ER 769.

Statements like this make us weep. International law is not an alien law despite the fear of it shown by judges in the national courts of many countries. Instead, international law constantly affects us and the way we live. Each day the media reports the rapid changes occurring around the world which have a significance for international law. The struggle for self-determination in the USSR and elsewhere; the attempts to control terrorism; the work of the United Nations and its relief agencies; and the urgent need to protect the environment are all matters addressed by international law. But it is also a system of law that affects the life of every individual in more mundane ways: air mail, international travel, health programmes and the transfer of money and foodstuffs are all regulated in some way by international law.

Too often the treaties, the resolutions, the statements, the cases and all the other materials dealing with these issues and those at the core of a course in International Law are not readily available. Our aim in writing this book was to include the material generally required by students, both by covering the well-trodden paths and, we hope, by introducing some material relevant to the international law of tomorrow. We have also included some material about the theories of international law—new and old—for we believe that the nature of international law is profoundly different from that of national law and so the same assumptions cannot be made about it. We hope too, to convey some of our hope for the future through potential changes in international law.

There are many people who have shared in the pleasure and stress of writing this book. In particular, our warmest gratitude to our friends and colleagues Susan Marks and Vaughan Lowe for their suggestions and insight. We were also fortunate to have students who were prepared to assist us in the dullest aspects of publishing and even to forgive the paper-filled rooms, unmarked essays, tired supervisions and occasional over-enthusiastic teaching. To Mike, Jo, Sue, Cathy, Christian and especially Alec, Marius and Redmond—thanks... and sorry. To Triquet and Bath, wherever you are now, good luck.

Finally, each of us has our own personal tributes. From Robert to Judy, Lex and above all Kate, thanks for the constant support, encouragement, patience and humour. From Martin, to my friends.

*Martin Dixon  
Robert McCorquodale  
Cambridge*



## PREFACE TO FIFTH EDITION

*If the daunting challenges now facing the world are to be overcome, it must be in important part through the medium of rules, internationally agreed, internationally implemented and, if necessary, internationally enforced. That is what the rule of law requires in the international order.*

Lord Bingham, *The Rule of Law* (2010).

The clarification of international law is an essential part of the maintenance and promotion of the rule of law in the international system, as shown by Lord Bingham, who was the pre-eminent British judge of his generation. It is our intention to provide in this book the key cases and materials on current international law in an accessible manner, so that the international rules agreed, implemented and enforced are able to be applied by governments, lawyers and others everywhere, especially as the rule of law affects the daily lives of people around the world.

In this book, the relevant cases and materials are presented within the context of the development of international law over time and the changing understanding of the nature of international law. This edition is fully revised and updated from the previous edition with the invaluable assistance, insight and diligence of Sarah Williams, who had primary responsibility for most chapters and who created the new chapter on international criminal law. Martin reviewed Chapters 3 and 10, and Robert revised Chapters 1 and 6 as well as reviewing all the other chapters. Jürgen Kurtz and Norah Gallagher provided comments on Chapter 13, while Kristin Hausler assisted in the review of Chapter 12. We have also attempted to respond to readers' comments and we continue to welcome constructive responses.

We have been fortunate to have some very good research assistance in preparing this edition. We thank especially Hannah Birkenkötter, Muin Bose, Jeannine Drohla, Katharine Everett, Alison Ewart, Matthias Hieber, Paul David Mora, Mai Taha, and Michelle Wen, and the support of the British Institute of International and Comparative Law and the University of New South Wales. We also thank Oxford University Press and all the various staff there, in particular, Helen Davis, Rebecca Gleave, Lucy Hyde and Jacqueline Senior, who have been very helpful and most patient.

Above all, we have been blessed with understanding partners and children. Our love and thanks go to Judith, William, Oliver and Emily; Kate, Rory, Ella and Flora; and Jamie and Isobel.

The materials in this book are generally current as at October 2010.

Martin Dixon  
Robert McCorquodale  
Sarah Williams  
December 2010

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