

**Public  
International  
Law  
in the  
Modern World**

**David H Ott**

**Pitman**

# **Public International Law in the Modern World**

David H Ott  
BA, MA, JD, LL.M  
*Lecturer in Public Law at Aberdeen University*



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David H. Ott

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# Preface

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This book is meant to help the student of international law achieve a thorough understanding of the subject's main topics without having to read a 1,500-page text weighed down with footnotes. But, at the same time, every effort has been made to avoid the danger of producing an outline so spare that no-one could read it with any real interest or excitement.

For the chief attraction of international law is that it is not a pinched and bloodless academic discipline but rather ranges over a spectrum of issues that are generally recognised as critical in the latter part of the twentieth century: war and peace, environmental protection, human rights, state power and many others. The bare bones of the law on these questions, although intriguing to the scholar, are hardly enough to give the non-specialist a sense of having eaten a proper meal.

And the non-specialist is right to suspect that history and international relations, jurisprudence and economics, religion and morality all affect international law in the widest sense and must at least be noted by anyone trying to understand what the subject is all about.

On the other hand, for the student facing an examination there is no substitute for the nitty-gritty detail out of which successful answer papers must be produced. And there is plenty of that in this book as well, with review questions at the end of each chapter to help highlight the critical points. An Appendix on examination technique illustrates how a student can assemble it all on the day in a way that does justice to his or her knowledge and effort.

Most students will have been taking an organised course with lectures and set readings, and for them this book should be seen as an aid to pulling their course material together and fixing the key concepts. It will give them a framework for revision and will fill in any gaps in their study.

For those who are studying international law entirely on their own the initial value of this book will be to guide the student through the jungle of cases, treaties and commentaries so as to reach the end of the path without having fallen into any of the bogs and pitfalls that lie along the way. But once having reached that goal, the student can use the book as a map of where he or she has been so as to develop a good framework for revision. In this regard the book can profitably be used in conjunction with Prof. D. J. Harris' excellent *Cases and Materials on International Law* or with *International Law: Cases and Materials* edited by Louis Henkin, Richard Pugh, Oscar Schachter and Hans Smit. It will also prove interesting to students reading Weston, Falk, and D'Amato's thought-provoking *International Law and World Order*.

For non-law students, and particularly those doing international relations, a

particular advantage of this book is that it does not require from the student any prior knowledge of the law or of legal thinking. Even someone who has never studied law should be able, provided he or she is prepared to accept the subject on its own terms, to understand from this book what international law is.

But it is hoped also that those who approach international law simply out of curiosity or in search of the answer to a particular question will find the book worth consulting and even reading further.

And, having for several years past written articles on international legal problems for *The Scotsman* newspaper in Edinburgh, the author is more than usually aware of the extent to which international law is as much at home in the (better) daily papers as in the classroom. That awareness also is reflected here, with the expectation that journalists and others who want a 'quick read' on some current topic will find what they are looking for without unnecessary fuss or bother.

A final word to the student: international law is very much a subject that has developed its own particular structure and rules and that fact must be accepted. It is therefore no good skipping over the first two chapters on the mistaken assumption that one knows all about the nature and sources of international law from having studied conveyancing, family law or international relations. Chapter 2 is probably the single most important one in the book and mastering it will make the rest of your study much easier.

David H. Ott  
1987

#### NOTE

The cross references in the tables of Cases, Treaties and Legislation and the text of this book consist of the relevant chapter number followed by the section number in bold type.

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# List of Abbreviations

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AD	<i>Annual Digest of Public International Law Cases</i>
AJIL	<i>American Journal of International Law</i>
CMLR	<i>Common Market Law Reports</i>
CTS	<i>Consolidated Treaty Series</i>
DRECHR	<i>Decisions and Reports of the European Commission of Human Rights</i>
E. Com. HR	European Commission of Human Rights
E. Ct. HR	European Court of Human Rights
ICJ	International Court of Justice
ILC	International Law Commission
ILM	<i>International Legal Materials</i>
ILR	<i>International Law Reports</i>
Int. Arb.	Moore, <i>International Arbitrations</i>
Int. Leg.	Hudson, <i>International Legislation</i>
Malloy	Malloy, <i>Treaties, Conventions, Acts, Protocols and Agreements Between the United States of America and other Powers</i>
L. Ed.	<i>Lawyers Edition</i> of United States Supreme Court reports
LNOJ	League of Nations Official Journal
LNTS	League of Nations Treaty Series
Peaslee Const.	Peaslee, <i>Constitutions of Nations</i>
PCIJ	Permanent Court of International Justice
RIAA	United Nations <i>Reports of International Arbitration Awards</i>
UKTS	United Kingdom Treaty Series
UNTS	United Nations Treaty Series
UST	United States Treaties
USTS	United States Treaty Series
YBECHR	Yearbook of the European Convention on Human Rights

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*Note: Blaustein above refers to the volumes of Blaustein & Flanz, *Constitutions of the Countries of the World* (Oceana, Dobbs Ferry, N.Y.), where documents are arranged alphabetically in loose-leaf fascicles.*