

INTERNATIONAL LAW

CASES AND COMMENTARY

Mark W. Janis
John E. Noyes

American Casebook Series®



CASES AND COMMENTARY ON INTERNATIONAL LAW

By

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To Janet, Matthew, Robert, Philip, and Edward
—MWJ

To Barbara, Sarah, and Ellen
—JEN

*

Preface

A comprehensive and scientific knowledge of international law is highly necessary, not only to lawyers practicing in our commercial ports, but to every [one] who is animated by liberal views, and a generous ambition to assume stations of high public trust. It would be exceedingly to the discredit of any person who should be called to take a share in the councils of the nation, if [that person] should be found deficient in the great leading principles of this law; and I think I cannot be mistaken in considering the elementary learning of the law of nations, as not only an essential part of the education of an American lawyer, but as proper to be academically taught.—James Kent, 1 *Commentaries on American Law* 20 (2d ed. 1832).

The teaching of international law in the American law school goes back at least as far as the Columbia lectures of Chancellor James Kent (1763–1847) and the four volumes of his *Commentaries on American Law* (1826–1830), the first great U.S. legal treatise. Kent's *Commentaries* begin with 200 pages devoted to the law of nations. The tradition of an American casebook on international law also dates to the last century. In 1893, Freeman Snow's *Cases and Opinions on International Law* made its appearance, followed in 1906 by a greatly developed and very influential revision, *Cases on International Law* by James Brown Scott.

Our new casebook builds on this by now long-standing tradition, but it departs from some of its immediate predecessors by providing an intellectual consolidation of what may have become a too-great proliferation of topics, issues, and cases. Our ambition here is simply to teach, to give law professors and law students the cases and commentary necessary to achieve a first-class professional education in the fundamentals of international law. No matter what international law specialty a student may go on to study or to practice—international corporate law, international environmental law, international litigation, international human rights, etc.—we mean to lay the foundation for that study and practice in the pages that follow.

We believe that the order of our chapters constitutes a sensible organization for most courses in international law. Chapter 1 introduces international law, looking briefly at the subject's history and presenting and discussing two sample, albeit well-known, cases to illuminate the nature of international legal rules and international legal process. Chapters 2 and 3 examine the sources of international law in greater depth, showing the student how lawyers, judges, and jurists draw international legal rules from a variety of sources, *e.g.*, treaties, custom, general principles, *jus cogens*, and equity. Chapters 4 and 5 return to international legal process, exploring the ways in which international law is applied first in municipal courts and second in international tribunals. We then

turn to the relationship between international law and the actors in international relations: individuals in Chapter 6, states in Chapter 7, and international organizations in Chapter 8. Finally, we address two areas of great practical importance in modern international law: regimes and common spaces in Chapter 9 and international conflict of laws in Chapter 10.

Most chapters deserve six hours of class, *i.e.*, about two weeks. Only Chapters 1, 2, and 7 are shorter, each calling for about three or four hours. So, even though this casebook is a great deal briefer than most, there is still about 17 or 18 weeks of material between the covers; in most courses some pruning will need be done. Ordinarily, we expect that teachers will choose to teach Chapters 1 through 5 in about seven or eight weeks and then choose from among Chapters 6 to 10 for an additional six or seven weeks. We have tried to make the later five chapters free-standing so that any of them can be taught in any order after the first five chapters are completed.

For students who wish to go beyond the casebook, quite a number of textbooks are available, including Ian Brownlie, *Principles of Public International Law* (Oxford 4th ed. 1990), Mark W. Janis, *An Introduction to International Law* (Little Brown 2d ed. 1993), and *Oppenheim's International Law* (Longman 9th ed. by Robert Jennings & Arthur Watts 1992). There are thousands of other books, articles, cases, and treaties cited below. However, footnotes and string citations from excerpted materials have ordinarily been omitted; when footnotes have been retained in the materials, the original's numbering has been used; three asterisks mark other omissions.

Chapters 1, 2, 3, 4, 5, 6, and 10 were originally prepared by Mark Janis and Chapters 7, 8, and 9 by John Noyes, but the two of us have used these materials over quite a number of years and, by now, have traded many ideas and much wording on most pages. We have also been fortunate in the assistance of others, and at risk of inadvertently leaving out some names, let us mention those who have helped along the way: William Alford, David Bederman, Howard Berman, Phillip Blumberg, Anthony Bradley, John Bridge, Ian Brownlie, Thomas Buergenthal, Arthur Campbell, Michael Dessent, James Friedberg, Christine Gray, Richard Kay, Chin Kim, David Kennedy, Harold Koh, Robert Lutz, William Lynch, Hugh Macgill, Phyllis Marion, Diane May, Samuel Meneff, Michael Reisman, John Ryan, Philippe Sands, Henry Schermers, Stephen Schwebel, Steven Smith, Louis Sohn, Kenneth Vandavelde, and Carol Weisbrod. Several students and librarians at California Western School of Law, the University of Connecticut School of Law, the University of Oxford, and Roger Williams University School of Law also provided able research support: Rachel Smith Alsop, Daniel Bender, Todd Dressel, Stephanie Edwards, Darlene Glenn, Barbara Glennan, Edward Johnson, Kenneth Naide, Loretta Nelms-Reyes, Jane Petitmermet, Risto Vahimets, Tara Velez, Linda Weathers, Katherine Young, and Teodora

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American Law Institute, *Foreign Relations Law of the United States*. Copyright © 1988 by the American Law Institute. Reprinted with permission.

—, *AM&S Europe Ltd. v. EC Commission*, *Common Market Law Reports* (1982). Copyright © 1982 by Sweet & Maxwell Limited.

—, *The Antarctic Treaty*, No. 5778, 402 U.N.T.S. 71. Copyright © 1962 by the United Nations.

—, *Arbitration Between Great Britain and Costa Rica*. Reproduced with permission from 18 *AJIL* 147 (1924), © The American Society of International Law.

Bederman, David J., "The Souls of International Organizations: Legal Personality and the Lighthouse at Cape Spartel," 36 *Va. J. Int'l L.* 275 (1996). Copyright © 1996 by Virginia Journal of International Law.

Caron, David D., *Protection of the Stratospheric Ozone Layer and the Structure of International Environmental Lawmaking*. Copyright © 1991 by University of California, Hastings College of Law. Reprinted from *Hastings International and Comparative Law Review*, Vol. 14, No. 4, pp. 755, 758–76, by permission.

—, *Case Concerning the Barcelona Traction, Light and Power Co., Ltd., Second Phase (Belgium v. Spain)*, I.C.J. 3 (1970). Copyright © 1970 by the United Nations.

—, *Case Concerning Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States)*, I.C.J. 14 (1986). Copyright © 1986 by the United Nations.

- , Case Concerning Questions of Interpretation and Application of the 1971 Montreal Convention Arising from the Aerial Incident at Lockerbie (*Libya v. United States*), I.C.J. 114 (1992). Copyright © 1992 by the United Nations.
- , Cession of Alaska (1867), 134 Consolidated Treaty Series 331 (1969). Copyright © 1969 by Oceana Publications, Inc.
- Committee of the Inquiry into Shipping, Report 51 (1970). Copyright © 1970 by Crown, HMSO Publications Centre. Reprinted by permission.
- Conference for Peace in Yugoslavia, Arbitration Commission. Reproduced with permission from 30 I.L.M. 550 (1991), © The American Society of International Law.
- Conference on Security and Cooperation in Europe, Final Act. Reproduced with permission from 14 I.L.M. 1292 (1975), © The American Society of International Law.
- , Convention on the Continental Shelf, No. 7302, 499 U.N.T.S. 311. Copyright © 1964 by the United Nations.
- , Convention on Rights and Duties of States, 165 L.N.T.S. 19 (1929). Copyright © 1929 by the League of Nations. Reprinted by permission of the United Nations.
- , Corfu Channel Case (*United Kingdom v. Albania*) (Merits), I.C.J. Rep. 4 (1949). Copyright © 1949 by the United Nations.
- D'Amato, Anthony, International Law: Process and Prospect (2d ed. 1995). Copyright © 1995 by Transnational Publishers, Inc.
- , The Diplomatic and Consular Staff Case (*United States v. Iran*), I.C.J. 3 (1980). Copyright © 1980 by the United Nations.
- , The Dogger Bank Case (*Great Britain v. Russia*), Report of February 26, 1905, The Hague Court Rep. Copyright © 1916 by the Carnegie Endowment for International Peace.
- , The Eastern Greenland Case, P.C.I.J., Series A/B, No. 53 (1933), 3 World Court Reports 151 (1969). Copyright © 1969 by Oceana Publications, Inc.
- , The ELSI Case (*United States v. Italy*), I.C.J. 15 (1989). Copyright © 1989 by the United Nations.
- European Community, Declaration on Yugoslavia and on the Guidelines on the Recognition of New States. Reproduced with permission from 31 I.L.M. 1485 (1992), © The American Society of International Law.
- Feldman, Mark B., The United States Foreign Sovereign Immunities Act of 1976 in Perspective: A Founder's View. This article is reproduced from (1986) 35 I.C.L.Q. 302 with permission from the publishers The

- British Institute of International and Comparative Law, 17 Russell Square, London WC1B 5DR.
- , Fisheries Jurisdiction Case (*United Kingdom of Great Britain and North Ireland v. Iceland*) (Merits), I.C.J. 3 (1974). Copyright © 1974 by the United Nations.
- Franck, Thomas M. and Faiza Patel, UN Police Action in Lieu of War: “The Old Order Changeth.” Reproduced with permission from 85 AJIL 63 (1991), © 1991 The American Society of International Law. Reprinted by permission.
- , The Golder Case. Copyright © The Round Hall Press. Reprinted with permission from Berger, Case Law of the European Court of Human Rights: Vol. I, 1979 (The Round Hall Press, Dublin, Ireland, 1979).
- Grotius, Hugo, The Freedom of the Seas. Copyright © 1916 by the Carnegie Endowment for International Peace.
- Guruswamy, Laksham D. et al., International Environmental Law and World Order. Copyright © 1994 by West Publishing Co.
- Henkin, Louis, “Use of Force: Law and U.S. Policy,” Right v. Might: International Law and the Use of Force. Copyright © 1989 by Council on Foreign Relations Press. Reprinted with permission.
- Henkin, Louis, Will the U.S. Supreme Court Fail International Law? Reproduced with permission from ASIL Newsletter, August-September 1992, © The American Society of International Law.
- International Arbitral Tribunal (Texaco/Libya Arbitration). Reproduced with permission from 17 I.L.M. 1 (1978), © The American Society of International Law.
- ITU Broadcasting Satellite Conference, Doc. No. 81-E (Jan. 17, 1977), Annex 4, in 2 Manual on Space Law 383 (Jasentuliyana, Nandasiri & Roy S.K. Lee, eds. 1979). Copyright © 1979 by Oceana Publications, Inc.
- Janis, Mark W., The Doctrine of Forum Non Conveniens and the Bhopal Case, XXXIV NILR 192, 193–204 (1987). Copyright © 1987 by Martinus Nijhoff Publishers/Dordrecht. Reprinted by permission of Kluwer Academic Publishers.
- Janis, Mark W., An Introduction to International Law. Copyright © 1993 by Little, Brown and Company.
- Janis, Mark W., Sea Power and the Law of the Sea. Copyright © Mark W. Janis.
- Janis, Mark W., Somber Reflections on the Compulsory Jurisdiction of the International Court. Reproduced with permission from 81 AJIL 144 (1987), © The American Society of International Law.

- Janis, Mark W., Individuals as Subjects of International Law, 17 Cornell Int'l L.J. 61 (1984). Copyright © 1984 by Cornell International Law Journal. Reprinted by permission of Cornell International Law Journal and Fred B. Rothman & Co.
- Joyner, Christopher C., "Antarctic Treaty Diplomacy: Problems, Prospects, and Policy Implications," The Diplomatic Record 1989-1990. Copyright © 1991 by the Institute for the Study of Diplomacy, School of Foreign Service, Georgetown University, Washington, D.C.
- , The Kellogg-Briand Pact (1928), Renunciation of War as an Instrument of National Policy, 94 L.N.T.S. 57 (1929). Copyright © 1929 by the League of Nations. Reprinted by permission of the United Nations.
- League of Nations, Report of the International Committee of Jurists entrusted by the Council of the League of Nations with the Task of Giving an Advisory Opinion upon the Legal Aspects of the Aaland Islands Question, League of Nations Official Journal, Special Supp. No. 3 (1920). Copyright © 1920 by the League of Nations. Reprinted by permission of the United Nations.
- Lebow, Richard Ned, Accidents and Crises: The Dogger Bank Affair, 31(1) Naval War College Rev., at 66 (Summer 1978). Reprinted by permission of U.S. Naval War College.
- , Legal Consequences for States of the Continued Presence of South Africa in Namibia (Southwest Africa) Notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. 16 (1971). Copyright © 1971 by the United Nations.
- , The Lotus Case (*France v. Turkey*), P.C.I.J. Rep., Ser. A., No. 10 (1927). Copyright © 1927 by the League of Nations. Reprinted by permission of the United Nations.
- Lowenfeld, Andreas F., International Litigation and Arbitration. Copyright © 1993 by West Publishing Co.
- I Maccabees 8. Scripture quotation found on pp. 22-23 from I Maccabees 8 is taken from Today's English Version Deuterocanonicals/Apocrypha. Copyright © 1979, 1992 American Bible Society. Used by permission.
- Mann, F.A., Contempt of Court in the House of Lords and the European Court of Human Rights, 95 Law Quarterly Review 348, 348-49 (1979). Copyright © 1979 by Steven and Sons Limited. Reprinted by permission of Sweet & Maxwell.
- Mazzola, Maria A., Note, Forum Non Conveniens and Foreign Plaintiffs: Addressing the Unanswered Questions of Reyno, 6 Fordham Int'l L.J. 577 (1983). Copyright © 1983 by Fordham International Law Journal.

-
- , The Meuse Case, P.C.I.J. Rep., Ser. A/B, No. 70 (1937). Copyright © 1937 by the League of Nations. Reprinted by permission of the United Nations.
- , The Miniquiers and Ecrehos Case (*Great Britain v. France*), I.C.J. 47 (1953). Copyright © 1953 by the United Nations.
- , The Nottebohm Case (*Liechtenstein v. Guatemala*), I.C.J. 4 (1955). Copyright © 1955 by the United Nations.
- , North Sea Continental Shelf Cases (*Federal Republic of Germany v. Denmark; Federal Republic of Germany v. The Netherlands*), I.C.J. 4 (1969). Copyright © 1969 by the United Nations.
- Noyes, John E., The Functions of Compromissory Clauses in U.S. Treaties, 34 Va. J. Int'l L. 831 (1994). Copyright © 1994 by Virginia Journal of International Law.
- Noyes, John E., An Introduction to the Law of Piracy, 21 Calif. Western Int'l L.J. 105 (1990). Copyright © 1990 by California Western International Law Journal.
- Noyes, John E. and Brian D. Smith, State Responsibility and the Principle of Joint and Several Liability, 13 Yale J. Int'l L. 225. Copyright © 1988 by Yale Journal of International Law.
- , Peace of Westphalia (1648), 1 Consolidated Treaty Series 198 (1969). Copyright © 1969 by Oceana Publications, Inc.
- Price, A. Grenfell, The Winning of Australian Antarctica: Mawson's B.A.N.Z.A.R.E. Voyages 1929–31. Copyright © 1962 by Collins/Angus & Robertson, Ltd.
- , Rainbow Warrior (*N.Z. v. France*), 82 Int'l L.Rep. 559 (1990). Copyright © 1990 by Cambridge University Press.
- Reisman, W. Michael, Criteria for the Lawful Use of Force in International Law, 10 Yale J.Int'l Law 279 (1985). Copyright © 1985 by Yale Journal of International Law.
- , Reparation for Injuries Suffered in the Service of the United Nations Advisory Opinion, I.C.J. 174 (1949). Copyright © 1949 by the United Nations.
- , Reservations to the Genocide Convention, Advisory Opinion, I.C.J. 15 (1951). Copyright © 1951 by the United Nations.
- Riesenfeld, Stefan, Sovereign Immunity in Perspective, 19 Vand.J. Transnat'l L. 1 (1986). Copyright © 1986 by The Vanderbilt Journal of Transnational Law.
- Rostow, Eugene V., Until What? Enforcement Action or Collective Self-Defense? Reproduced with permission from 85 AJIL 506 (1991), © The American Society of International Law.

- , Safer Ships, Cleaner Seas, Report of Lord Donaldson's Inquiry (1994). Crown copyright is reproduced with the permission of HMSO.
- , The Soering Case. Copyright © The Round Hall Press. Reprinted with permission from Berger, Case Law of the European Court of Human Rights: Vol. II, 1989 (The Round Hall Press, Dublin, Ireland, 1989).
- , South West Africa Cases (*Ethiopia v. South Africa; Liberia v. South Africa*), I.C.J. 4 (1966). Copyright © 1966 by the United Nations.
- , The Sunday Times Case. Copyright © The Round Hall Press. Reprinted with permission from Berger, Case Law of the European Court of Human Rights: Vol. I, 1979 (The Round Hall Press, Dublin, Ireland, 1979).
- , Trail Smelter Case (*United States v. Canada*), Arbitral Tribunal, 1941, U.N.Rep.Int'l Arb. Awards 1905 (1949). Copyright © 1949 by the United Nations.
- , Treaty of Paris (1783), 48 Consolidated Treaty Series 487 (1969). Copyright © 1969 by Oceana Publications, Inc.
- , Treaty of Principles Governing the Activities of States in the Exploration and Use of Outer Space Including the Moon and Other Celestial Bodies. Reproduced with permission from 6 I.L.M. 386 (1967), © The American Society of International Law.
- , United Nations Convention on the Law of the Sea. Copyright © 1982 by the United Nations.
- Vagts, Detlev F., An Introduction to International Civil Practice, 17 Vand.J.Transnat'l L. 1 (1984). Copyright © 1984 by The Vanderbilt Journal of Transnational Law.
- Verdross, Alfred von, Forbidden Treaties in International Law. Reproduced with permission from 31 AJIL 571 (1937), © The American Society of International Law.
- Watt, Donald C., First Steps in Enclosure of the Oceans: The Origins of Truman's Proclamation on the Resources of the Continental Shelf, 28 September 1945, 3 Marine Policy 212 (1979). Copyright © 1979 by Butterworth-Heinemann. Reprinted by permission of the publishers, Butterworth-Heinemann Ltd. © and Professor Emeritus Donald Cameron Watt.
- , Western Sahara, Advisory Opinion, I.C.J. 12 (1975). Copyright © 1975 by the United Nations.
- Wilson, Julian, Editorial, US exports in anti-trust: the primacy of economic muscle over international law, International Litigation News, July 1995, at 3. Copyright © 1995 by the International Bar Association.

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- Advisory Opinion on the Western Sahara**, 262, 275, 278
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