
TABLE OF CONTENTS

<i>Table of Cases</i>	xi
<i>Table of Legislation</i>	xiii
<i>Table of Conventions, Treaties, etc</i>	xv
Introduction	1
I. International Law and Domestic Law.....	2
II. Paradoxes in the Contemporary World.....	3
III. Law and Power	4
IV. The Structure of the Book.....	5
1. The Distinctive Nature of International Law	6
I. What is International Law?.....	6
II. How International Law Differs from Domestic Law	7
III. The Changing Nature of International Law	9
IV. International Law and Common Sense	11
V. What Makes International Law ‘Law’?	14
VI. Why is it Necessary to Identify the Sources of International Law?	17
A. Article 38(1) of the Statute of the International Court of Justice	18
B. International Treaties	19
C. Customary International Law.....	22
D. Other Sources of International Law.....	25
E. ‘Soft’ Law.....	26
2. The Dynamic Quality of International Law	28
I. Introduction	28
II. The Concept of Sovereignty and Sovereign Equality	28
III. The Concept of Sovereignty and Jurisdiction	31
IV. Sovereignty and Controversial Bases of International Jurisdiction	35
V. Sovereign Equality and the Concept of Universal Jurisdiction	37
VI. Legal Personality in International Law	40

VII.	The Place of the Individual in International Law	43
VIII.	The Individual in International Law as Exemplified by the European Convention on Human Rights	45
IX.	The Interrelationship between Sovereignty, Personality and the Individual in International Law	47
3.	Self-determination and Territory in International Law.....	49
I.	Introduction	49
II.	The Concept of Self-determination in International Law before the Creation of the United Nations.....	49
	A. The Åland Islands Case.....	53
	B. Decolonisation and the Indian Sub-continent	54
III.	The United Nations Charter, Self-determination and Decolonisation	55
	A. The Process of Decolonisation	55
	B. The Principle of <i>uti possidetis</i>	58
	C. Methods of Self-determination and Consequences	60
	D. Economic Self-determination.....	62
IV.	Self-determination after the Cold War	63
	A. Contemporary Rules on Secession	65
V.	States, Territory and Recognition.....	67
	A. State Acquisition or Disposal of Territory in International Law	68
	B. Recognition in International Law.....	68
VI.	Territorial and Other Rights Over the Sea and its Bed.....	71
VII.	Conclusion.....	73
4.	The International Obligations of States: Treaties and State Responsibility.....	74
I.	Introduction	74
II.	The Law of Treaties	74
	A. The Formation and Formalities of Treaties	78
	B. Reservations to Treaties.....	79
	C. The Validity of Treaties	80
	D. The Amendment and Termination of Treaties	83
	E. <i>Gabčíkovo–Nagymaros Project (Hungary/Slovakia) 1997</i>	84
III.	State Responsibility in International Law.....	90
	A. What is the Meaning of State Responsibility?	91
	B. State Responsibility and the Expropriation of Foreign-owned Property	96
IV.	Conclusion.....	104
5.	The United Nations, the UN Charter and International Law	105
I.	Introduction	105
II.	The Origins of the UN.....	106

III.	The Structure of the UN	111
A.	General Assembly	112
B.	Security Council	114
C.	Secretariat	116
D.	Economic and Social Council.....	117
IV.	How the UN is Financed	117
V.	The UN Charter: A Constitution for the World?	120
6.	Human Rights in International Law.....	125
I.	Introduction	125
II.	What are Human Rights?	126
III.	The Politics of Human Rights.....	129
IV.	The International Bill of Human Rights	136
A.	The Universal Declaration of Human Rights	137
B.	The International Covenants on Human Rights.....	139
V.	Other Principal UN Human Rights Conventions and Bodies	142
VI.	Regional Protection of Human Rights	146
VII.	The International Criminal Court	148
A.	Background to the Establishment of the ICC	149
B.	Jurisdiction of the ICC.....	151
C.	Structure and Composition of the ICC	152
D.	Weaknesses of the Court.....	155
VIII.	Conclusion.....	157
7.	The Peaceful Settlement of Disputes in International Law.....	159
I.	Introduction	159
II.	Legal Method and International Dispute Resolution	160
III.	The International Court of Justice.....	161
A.	The Composition of the ICJ	162
B.	The Jurisdiction of the ICJ	165
C.	The Limited Use Historically Made of the ICJ	169
D.	Law and Politics and the ICJ.....	171
IV.	International Arbitration.....	179
V.	Conclusion.....	180
8.	Use of Force in International Law.....	182
I.	Introduction	182
II.	The Use of Force in International Law before the Creation of the UN	183
III.	The Charter of the UN	186
IV.	Chapter VII of the UN Charter.....	189
V.	Self-defence in International Law	193
A.	Collective Self-defence	196
B.	Pre-emptive/Preventive Self-defence.....	197
C.	Self-defence and Terrorism in International Law.....	199

VI.	From Humanitarian Intervention to Responsibility to Protect	203
A.	Intervention with and without UNSC Authorisation.....	205
B.	Responsibility to Protect	209
VII.	Rules Constraining the Type of Force Permissible	214
A.	Unmanned Aerial Vehicles ('Drones').....	216
VIII.	Conclusion.....	221
9.	The Misery and Grandeur of International Law	222
I.	Introduction	222
II.	The Paradox of Sovereign Equality.....	225
III.	The United States of America and International Law	227
A.	American Exceptionalism	229
B.	The United States, Radical Exceptionalism and International Law.....	231
IV.	The Case of Israel and International Law.....	237
A.	Israeli Land Acquisition, Occupation and Annexation.....	237
B.	Israel and Nuclear Weapons	240
C.	Operation Cast Lead and the <i>Mavi Marmara</i> Incident	243
V.	Conclusion.....	249
	<i>Bibliography</i>	251
	<i>Index</i>	257