International Law

Fourth Edition
For all my students, past and future, in the hope and belief that the development of a just system of international law can contribute to a better world for everyone.
Contents

Table of Cases xvii
Acknowledgments xxvii
Preface xxix
Electronic Research Sources xxxi

Introduction 3
What Is It? 3
Traditional Definition 3

Chapter I • Sources of International Law 5
Who Makes Up International Law? The Doctrine of Sources 5
Custom 5
The Paquete Habana 5
Note: The Relationship of International Law to Domestic (National) Law 11
Abdullahi v. Pfizer, Inc. 12
Regional Custom 20
Special or Local Custom 21
Jus Cogens 21
Treaties 22
North Sea Continental Shelf Cases 22
General Principles of Law 26
Judicial Decisions 27
Writers and Scholars 28
Concluding Remarks 28
Suggested Further Readings 29

Chapter II • Title to Territory 31
Terra Nullius 31
Discovery 32
Occupation 32
Island of Palmas (Miangas) Case 32
Case Concerning Sovereignty over Pedra Branca/Pulau Batu Putih, Middle Rocks and South Ledge 41
Conquest 44
Cession 46
Prescription 46
The Falkland Islands/Islas Malvinas Dispute 46
Uti Possidetis 49
Accretion and Avulsion 50
The Arctic 51
The Antarctic 51
Celestial Bodies and Space 52
Problem 52
Suggested Further Readings 53

Chapter III • The Law of Treaties 55
What Is a Treaty? Definition 55
Capacity to Conclude a Treaty 56
Ratification 56
Internal Ratification: U.S. Procedure 56
International Ratification 57
Reservations 57

Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide 58
Problems 64
Entry into Force 64
Observance and Application of Treaties 64
Interpretation of Treaties 65
Case Concerning Avena and Other Mexican Nationals 66
Invalidity 80
Error 80
Fraud and Corruption 80
Coercion 81
Conflict with a Peremptory Norm (Jus Cogens) 81
Termination and Suspension 82
Material Breach 82

Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 83
Supervening Impossibility of Performance 84
Contents

Fundamental Change of Circumstances 85
  Case Concerning Gabčíkovo-Nagymaros Project 85
Procedure for Termination 91
State Succession in Respect of Treaties 92
  Case Concerning Application of the Convention on the Prevention
  and Punishment of the Crime of Genocide 92
The Effect of War on Treaties 95
  Techt v. Hughes 95
The Effect of War on Human Rights Treaties 99
  Legal Consequences of the Construction of a Wall in the Occupied
  Palestinian Territory 99
Suggested Further Readings 100

Chapter IV • Jurisdiction 101
  The Territorial Principle 101
    United States v. Aluminum Co. of America 103
  The Nationality Principle 105
  The Passive Personality Principle 106
    United States v. Fawaz Yunis, a/k/a Nazeelh 106
  The Protective Principle 110
    United States v. Bin Laden 110
  The Universality Principle 115
    Attorney General of the Government of Israel v. Eichmann 115
    Case Concerning the Arrest Warrant of 11 April 2000 122
Extradition 128
    United States v. Humberto Alvarez-Machain 128
Problem 138
Immunity from Jurisdiction 138
  Diplomatic Immunity 138
    Case Concerning United States Diplomatic and Consular Staff in Tehran 140
    Knab v. Republic of Georgia 145
    Case Concerning Armed Activities on the Territory of the Congo 149
Consular Immunity 151
Head of State and Other Ministers’ Immunity 152
  Regina v. Bartle and the Commissioner of Police for the Metropolis
  and Others Ex Parte Pinochet 152
  Case Concerning the Arrest Warrant of 11 April 2000 164
Immunity for International Organizations 171
Sovereign Immunity 171
  Absolute Theory 171
The Restrictive Theory 173
Letter Addressed to Acting Attorney General Philip B. Perlman from the Department of State’s Acting Legal Adviser, Jack B. Tate, May 19, 1952 173
The Act of State Doctrine 176
Problem 177
Suggested Further Readings 178

Chapter V • The Law of the Sea 179
Introduction 179
Internal Waters 180
Bays 180
Historic Bays 182
The Territorial Sea 183
Measuring the Territorial Sea 184
Powers of the Coastal State in the Territorial Sea and Foreign Ships’ Right of Innocent Passage 184
*United States v. Conroy, United States v. Walker* 187
Archipelagos 191
International Straits 192
Definition of an International Strait 193
Customary Law 193
*Corfu Channel Case* 193
Treaty Law 194
The Contiguous Zone 195
The Exclusive Economic Zone 197
Rights Exercised in the Exclusive Economic Zone 198
Coastal States’ Rights 198
Foreign States’ Rights 198
The Continental Shelf 199
Delimitation of the Continental Shelf between States with Opposite or Adjacent Coasts 200
The High Seas 201
The Deep Sea Bed 202
The Deep Sea Bed Regime under the 1982 Convention 202
The Deep Sea Bed Regime under the 1994 Agreement 203
Settlement of Maritime Disputes 204
Marine Pollution 204
Fishing 206
Jurisdiction over Vessels 206

x Contents

*00 epps 4e C24 7/13/09 1:20 PM Page x*
Nationality of Vessels 206
   The Genuine Link Requirement 207
   Remedy Where There Is No Genuine Link 208
Prohibited Activities on the High Seas 209
   United States v. Garcia 211
Jurisdiction over Foreign Vessels 214
   Wildenhus’ Case 214
Internal Waters and Ports 214
   The Territorial Sea 216
The Right of Hot Pursuit 217
   The Saiga Case 218
Fishing on the High Seas 235
Problem 236
Suggested Further Readings 237

Chapter VI • International Environmental Law 239
State Responsibility for Environmental Harm 239
Establishing the Standard for State Responsibility 240
   Customary Law 240
      The Corfu Channel Case 240
      Trail Smelter Case 243
Declarations and Treaty Law 245
   Hazardous Waste 246
   Atmosphere, Ozone and Climate 247
   Nature, Flora, Fauna and Other Resources 247
   Nuclear Fallout 248
      Legality of the Threat or Use of Nuclear Weapons 250
   Other Regimes 253
Suggested Further Readings 254

Chapter VII • International Legal Personality: States, International Organizations, Non-State Groups, Individuals, and Multi-National Corporations 255
The Definition of a State 255
   A Defined Territory 255
   A Permanent Population 256
   A Government 256
   Capacity to Enter into Relations with Other States 257
Secession and Self-Determination 258
      Reference re Secession of Quebec 258
State Responsibility 269
xii

Contents

A State’s Capacity to Bring International Claims on Behalf of Individuals 269
Nationality of the Claimant 270
  *Nottebohm Case* 270
International Organizations 276
  Inter-Governmental Organizations 276
    The United Nations 276
      *Reparations for Injuries Suffered in the Service of the United Nations* 277
      Structure of the United Nations 285
Non-Governmental International Organizations 288
  Non-State Groups 289
    Protected Groups 289
    Non-State Actors 289
  International Status of Individuals 290
  Multi-National Corporations 291
Suggested Further Readings 291

Chapter VIII • Human Rights 293
  Introduction 293
Human Rights in the United Nations System 294
  The United Nations Charter 294
  The Universal Declaration of Human Rights 295
  The International Covenant on Civil and Political Rights 296
    Rights and Freedoms under the Civil and Political Rights Covenant 297
    States’ Rights to Derogate from Guaranteed Rights and Freedoms 297
    Enforcement of Rights and Freedoms under the Civil and Political Rights Covenant 297
    Optional Protocols to the Covenant on Civil and Political Rights 298
      *Uteev v. Uzbekistan* 299
      *Llantoy Huamán v. Peru* 303
  The International Covenant on Economic, Social and Cultural Rights 308
    Rights and Freedoms under the Economic, Social and Cultural Rights Covenant 308
    Enforcement of Rights and Freedoms under the Economic, Social and Cultural Rights Covenant 309
  The United Nations Human Rights Council 310
  The United Nations High Commissioner for Human Rights 311
  United Nations Conventions on Specific Topics of Human Rights 311
Regional Human Rights Systems 312
  The European Human Rights System 312
    The European Convention 312
Enforcement of the European Convention 312
The European Court of Human Rights 315
*Case of Leyla Şahin v. Turkey* 315
Other European Human Rights Conventions 334
The Inter-American System 334
Rights Protected by the American Convention on Human Rights 335
Enforcement Mechanisms under the American Convention on Human Rights 335
The Inter-American Commission 336
The Inter-American Court of Human Rights 337
*Case of Valle Jaramillo et al. v. Colombia* 337
The African System 348
The African Charter 348
Enforcement of the African Charter 349
League of Arab States 349
The Shanghai Cooperation Organization and the Eurasian Economic Community 350
Enforcement of Human Rights in National (Domestic) Courts 350
Self-Execution of Treaties 351
*Negusie v. Holder* 352
Suggested Further Readings 358

**Chapter IX • The Peaceful Settlement of Disputes: Arbitration and International Courts** 361
The Obligation to Settle Disputes 361
Arbitration 361
International Courts 363
The Permanent Court of International Justice 363
The International Court of Justice 363
The Composition of the Court 363
The Jurisdiction of the International Court of Justice in Contentious Cases 364
*Norwegian Loans Case* 367
*Case Concerning Military and Paramilitary Activities in and against Nicaragua* 370
Jurisdiction Forum Prorogatum 380
The Jurisdiction of the International Court of Justice in Advisory Cases 380
The Power of the International Court of Justice to Issue Interim Measures of Protection 380
Other Major International Courts 381
The International Criminal Tribunal for the Former Yugoslavia 381
## Contents

The International Criminal Tribunal for Rwanda 383  
The International Criminal Court 383  
Conclusion 384  
Suggested Further Readings 384

**Chapter X • The Use of Force Including War** 385  
Introduction 385  
The Modern Era 386  
Coercive Measures Not Amounting to Armed Force 386  
Retorsions 386  
Reprisals Not Involving the Use of Armed Force 386  
Pre-1945 Law on the Use of Armed Force 387  
The Customary Law of Self-Defence 388  
The Caroline Incident 388  
Post-1945 Law 389  
The United Nations Charter Law 389  
The Meaning of “Force” 390  
What is a Threat of Force? 390  
*Legality of the Threat or Use of Nuclear Weapons* 391  
Must Force Be Used for a Particular Object to Violate Article 2(4)? 392  
Exceptions to Article 2(4) 392  
Self-Defence 392  
*Case Concerning Military and Paramilitary Activities in and against Nicaragua* 393  
*Legality of the Threat or Use of Nuclear Weapons* 401  
*Case Concerning Oil Platforms* 403  
Preemption 406  
Reprisals Using Force 407  
The Rule of Non-Intervention 407  
*Case Concerning Military and Paramilitary Activities in and against Nicaragua* 409  
Civil Wars and the Rule of Non-Intervention 416  
Intervention in Particular Circumstances 417  
Intervening to Protect Nationals Abroad 417  
Humanitarian Intervention 417  
The Responsibility to Protect 419  
The Security Council’s Power to Intervene 419  
Article 41 Measures 420  
Article 42 Measures 421  
United Nations Peacekeeping Forces 422
<table>
<thead>
<tr>
<th>Contents</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Jus In Bello</td>
<td>422</td>
</tr>
<tr>
<td>Regulation of the Conduct of Hostilities and Humanitarian Law</td>
<td>423</td>
</tr>
<tr>
<td>The Prosecutor v. Drazen Erdemovic</td>
<td>426</td>
</tr>
<tr>
<td>The Prosecutor v. Aloys Simba</td>
<td>442</td>
</tr>
<tr>
<td>Weapons Control</td>
<td>449</td>
</tr>
<tr>
<td>Nuclear Weapons</td>
<td>451</td>
</tr>
<tr>
<td>Legality of the Threat or Use of Nuclear Weapons</td>
<td>454</td>
</tr>
<tr>
<td>Suggested Further Readings</td>
<td>476</td>
</tr>
<tr>
<td>Treaty Index</td>
<td>477</td>
</tr>
<tr>
<td>General Assembly Resolutions Index</td>
<td>483</td>
</tr>
<tr>
<td>Security Council Resolutions Index</td>
<td>485</td>
</tr>
<tr>
<td>General Index</td>
<td>487</td>
</tr>
</tbody>
</table>
Table of Cases

Bold type indicates that the whole case or a large excerpt of the case appears in the text.

Abdullahi v. Pfizer, Inc., 562 F.3d 163 (2d Cir. 2009), 12–20, 28
Aikins (U.S. v.), 946 F.2d 608 (9th Cir. 1990), 212
Aluminum Co. of America (U.S. v.), 148 F.2d 415 (2d Cir. 1945), 103–104, 113
Asylum Case (Columbia v. Peru) 1950 I.C.J. 266, 20
ATSI, Commc’ns, Inc., v. Shaar Fund Ltd., 493 F.3d 87 (2d Cir. 2007), 14
Australia v. France, see Nuclear Tests Cases
Avena Case (Mexico v. United States), 2004 I.C.J. 12, 66–77, 78, 82, 122, 138,151, 152, 276
Ballinger (U.S. v.) 395 F.3d 1218 (11th Cir. 2005), 212
Banco National de Cuba v. Sabbatino, 376 U.S. 398 (1964), 177
Belgium (Democratic Republic of Congo v.) see Arrest Warrant Case
Benitez (U.S. v.), 741 F.2d 1312 (11th Cir. 1984), 109, 113, 114
Birch (U.S. v.), 470 F.2d 808 (4th Cir.), 110
Bosnia and Herzegovina v. Serbia and Montenegro, 2007 I.C.J. __, 95, 365
Botswana v. Namibia, see Case Concerning Kasikili/Sedudu Island
Bowman (U.S. v.), 260 U.S. 94 (1922), 109, 112
Bozna & Herzegovina v. Yugoslavia (Serbia & Montenegro) see Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide
Brandt (U.S. v.), 2 Trials of War Criminals before the Nuremberg Military Tribunal Under Control Council No. 10, 181 (1949), 16
Table of Cases

Burkina Faso v. Mali, see Frontier Dispute
Cadena (U.S. v.), 585 F.2d 1252 (5th Cir. 1978), 189
Cambodia v. Thailand, see Case Concerning the Temple of Preah Vihear
Campa (U.S. v.), 419 F.3d 1219 (11th Cir. 2005) rev’d en banc, 529 F.3d 980 (11th Cir. 2008) pet. for cert. filed (U.S. Jan 30, 2009), 187
Canada v. U.S., see Gulf of Maine Area Case
Cannon v. University of Chicago, 441 U.S. 677 (1979), 135
Caroline Incident, 2 Moore, Dig. of Int’l Law 412 (1906) (not a case), 388–389
Caro-Qunitero (U.S. v.), 745 F.Supp. 599 (C.D. Cal. 1990), 129,134
Carrera v. Carrera, 174 F.2d 496 (D.C.Cir. 1949), 146
Case Concerning the Arrest Warrant of 11 April 2000, see, Arrest Warrant Case
Case Concerning Avena and Other Mexican Nationals, see Avena Case
Case Concerning East Timor (Portugal v. Australia), 1995 I.C.J. 90, 268, 269
Case Concerning Kasikili/Sedudu Island (Botswana v. Namibia), 1999 I.C.J. 1045, 50, 56
Case Concerning Maritime Delimitation and Territorial Questions (Qatar v. Bahrain) 1995 I.C.J. 6, 65
Case Concerning Questions of Mutual Assistance in Criminal Matters (Djibouti v. France), 2008 I.C.J. __, 380
Case Concerning Sovereignty Over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia v. Singapore) 2008 I.C.J. __, 41–44, 46, 49
Case Concerning the Frontier Dispute, see Frontier Dispute
Case Concerning the Land, Island and Maritime Frontier Dispute, see Land, Island and Maritime Frontier Dispute
Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) 1962 I.C.J. 6, 80
Case Concerning the Territorial Dispute (Libyan Arab Jamahiriya v. Chad) 1994 I.C.J. 6, 65
Case of Leyla Sahin v. Turkey, European Court of Human Rights (2005), 315–333
Case of Valle Jaramillo et al. v. Colombia, Inter-American Court of Human Rights (2008), 337–348
<table>
<thead>
<tr>
<th>Case</th>
<th>Citation</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cha’are Shalom Ve Tsedek v. France, ECHR (2000)</td>
<td>331</td>
<td></td>
</tr>
<tr>
<td>Chindawongse (U.S. v.) 771 F.2d 840 (4th Cir. 1985)</td>
<td>152</td>
<td></td>
</tr>
<tr>
<td>Chorzów Factory Case, 1927 P.C.I.J. (ser. A) No. 9, at 31, 73, 169, 233</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Church v. Hubbart, 6 U.S. (2 Cranch) 187 (1804)</td>
<td>196</td>
<td></td>
</tr>
<tr>
<td>Clipperton Island Case (France v. Mexico) reprinted at 26 Amer. J. Int’l L. 390 (1932)</td>
<td>362</td>
<td></td>
</tr>
<tr>
<td>Congo v. Belgium, see Arrest Warrant Case Conroy (U.S. v.) &amp; Walker (U.S. v.), 589 F.2d 1258 (5th Cir. 1979), 187–191</td>
<td>196</td>
<td></td>
</tr>
<tr>
<td>Continental Shelf Case (Tunisia v. Libya), 1982 I.C.J. 18, 183, 200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continental Shelf Case (Libya v. Malta), 1985 I.C.J. 13, 200, 458</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Filartiga v. Pena-Irala, 630 F.2d 876 (2d Cir. 1980), 14
Fisheries Jurisdiction Case (Jurisdiction) (U.K. v. Iceland) 1973 I.C.J. 63, 89, 91
Flores v. Southern Peru Copper Corp., 411 F.3d 233 (2d Cir. 2003), 14, 15, 17, 18
Foley Bros. v. Filardo, 336 U.S. 281 (1949), 109, 111
Fong Yue Ting v. U.S., 149 U.S. 698 (1893), 97
Foster v. Neilson, 27 U.S. (2 Pet.) 253 (1828), 351
France v. Norway, see Norwegian Loans Case
France v. Turkey, see Lotus Case
Frontier Dispute (Burkina Faso v. Mali) 1986 I.C.J. 554, 50, 364
Frontier Dispute (Benin v. Niger), 2005 I.C.J. 90:364
Frisbie v. Collins, 342 U.S. 519 (1952), 130, 133
Furundzija, see Prosecutor v. Furundzija
Garcia (U.S. v.) 182 Fed. Appx. 873 (11th Cir. 2006), 211–213
Germany v. Denmark, see North Sea Continental Shelf Cases
Germany v. Netherlands, see North Sea Continental Shelf Cases
Germany v. U.S., see LaGrand Case
Gonzalez (U.S. v.), 776 F.3d 931 (11th Cir. 1985), 213
Revista de Diritto Internazionale 484 (May 13, 1963), 176
Head Money Cases, 112 U.S. 580 (1884), 97
Hellenic Lines, Ltd. v. Moore, 345 F.2d 978 (D.C. Cir. 1965), 147
Herero Peoples’ Reparation Corp. v. Deutsche Bank, A.G., 370 F.3d 1192 (D.C. Cir. 2004), 213
Hatch v. Baez, 7 Hun. 596 (1876), 161
Hilton v. Guyot, 159 U.S. 113 (1895), 9
Hungary v. Slovakia, see Gabcíkovo-Nagymaros Project
Humberto Alvarez-Machain (U.S. v.), see U.S. v. Alvarez-Machain
Israeli/Palestinian Wall Case, see Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory
Iran Hostages Case, see Case Concerning U.S. Diplomatic and Consular Staff in Tehran
Iran v. U.S., see Case Concerning Oil Platforms
Italy (Gentini v. Venezuela, Mixed Claims Commission, 1903, 27
Jaramillo et al. v. Colombia, Inter-American Court of Human Rights (2008), 347–348
Jimenez v. Aristeguiete, 311 F.2d 547 (5th Cir. 1962), 161
Kadic v. Karadžić, 70 F.3d 232 (2d Cir. 1995), 14
<table>
<thead>
<tr>
<th>Table of Cases</th>
</tr>
</thead>
</table>

| Ker v. Illinois, 119 U.S. 436 (1886); 130, 132, 133, 137 |
| Khulumani v. Barclay National Bank, Ltd., 504 F.3d 245 (2d Cir. 2007) (per curiam), 15 |
| LaGrand Case (Germany v. U.S.), 2001 I.C.J. 466, 66, 68, 72, 74, 75, 77, 82, 122, 138, 276, 380, 381 |
| Larsen (U.S. v.), 952 F.2d 1099 (9th Cir. 1991), 112 |
| Leyla Sahin v. Turkey, European Court of Human Rights (2005), 315–333 |
| Libyan Arab Jamahiriya v. Chad, 1994 I.C.J. 6, 65 |
| Liechtenstein v. Guatemala, see Nottebohm Case |
| Llantoy Huamán v. Peru, Human Rights Committee (2005), 303–307 |
| Lotus Case (France v. Turkey), 1927 P.C.I.J. (ser. A) No. 10, 117, 214 |
| MacAllister (U.S. v.), 160 F.3d 1304 (11th Cir. 1998), 114 |
| Malaysia v. Singapore, 2008 I.C.J. __, 41–44, 46, 49 |
| Marino-Garcia (U.S. v.), 679 F.2d 1373 (11th Cir. 1982), 213 |
| Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway) 1993 I.C.J. 38, 200 |
| Martinez-Hidalgo (U.S. v.), 993 F.2d 1052 (3d Cir. 1993), 213 |
| Masetti Case, decision of 17 Nov. 1947 in Massimario della Seconda della Casazione, 1947 No. 2569, at 416, 435 |
| McCulloch v. Sociedad Nacional de Marineros de Honduras, 372 U.S. 10 (1963), 113 |
| Mexico v. United States, see Avena Case |
| Mexico v. U.S., 2009 I.C.J. __, 78 |
| Metropolitan Church of Bessarbia and Others v. Moldova, ECHR (2001), 331 |
| Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. U.S.), see Case Concerning Military and Paramilitary Activities in and Against Nicaragua |
| Mine Workers (U.S. v.), 330 U.S. 258 (1947), 137 |
xxii Table of Cases

Mol Inc. v. People's Republic of Bangladesh, 736 F.2d 1326 (9th Cir. 1984), 176

Monetary Gold Removed from Rome in 1943 Case, 1954 I.C.J. 19, 376

Mora v. People of the State of N.Y., 524 F.3d 183 (2d Cir. 2008), 15

Moreno-Morillo (U.S. v.) 334 F.3d 819 (9th Cir. 2003), 212

Murray v. The Schooner Charming Betsy, 6 U.S. (2d) 39 (1804), 109

Nat'l Cable & Telecommunications Ass'n v. Brand X Internet Services, 545 U.S. 967 (2005), 355


Netherlands v. U.S., see Island of Pal mas (Miangas) Case


New Zealand v. France, see Nuclear Tests Cases

Nicaragua v. U.S., see Case Concerning Military and Paramilitary Activities In and Against Nicaragua


Northern Securities Co. v. U.S., 193 U.S. 197 (1904), 137

Norwegian Loans Case (France v. Norway) 1957 I.C.J. 9, 367–370


Nuclear Weapons Case, see Legality of the Threat or Use of Nuclear Weapons

Oil Platforms Case (Islamic Republic of Iran v. United States) 2003 I.C.J. 161, 403–406

Odeh (U.S. v.) 548 F.3d 276 (2d Cir. 2008), 114

Olympic Airways v. Husain 504 U.S. 644 (2004), 79

Orozco-Prada (U.S. v.), 732 F.2d 1076 (2d Cir. 1984), 112

Ourano Toxo and Others v. Greece, ECHR (2005), 330

Pacific & Arctic R. & Navigation Co. (U.S. v.), 228 U.S. 87 (1913), 104

Palestinian/Israeli Wall Case, see Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory

Paquete Habana, 175 U.S. 677 (1900), 5–10, 11, 28, 352

Paraguay v. U.S. 1998 I.C.J. 248 (Interim Protection Order of Apr. 9), 77


Pinochet Case, see Regina v. Bartle and the Commissioner for the Metropolis and others Ex Parte Pinochet

Pizzarusso (U.S. v.), 388 F.2d 89 (2d Cir. 1968), 112, 114

Portugal v. India, see Right of Passage Case


Prosecutor v. Furundzija, Case No. 17-95-17/1-T (Judgment of the Trial Chamber, 10 Dec. 1998), 21, 157


Table of Cases

<table>
<thead>
<tr>
<th>Case</th>
<th>Year</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qatar v. Bahrain, 1995 I.C.J. 6, 65</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quebec Secession, see Reference re Secession of Quebec</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Queen v. Griffiths [1891] 2 Q.B., 145, 116</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rauscher (U.S. v.), 119 U.S. 407 (1886), 129, 130, 132, 133, 134, 135, 136, 137</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reference re Secession of Quebec, 2 S.C.R. 217 (1998), 258–268, 289</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regina v. Dudley and Stephens, 14 Q.B.D. 273 (1884), 440</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regina (On the Application of Begum) v. Headteacher and Governors of Denbigh High School ([2004] EWHC 1389 (Admin)), 324</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reid v. Covert, 354 U.S. 1 (1957), 188</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rendon (U.S. v.), 354 F.3d 1320 (11th Cir. 2003), 213</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request for Interpretation of Judgment of 31 March 2004 (Mexico v. U.S.) 2009 I.C.J. __, 12, 78</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reservations to the Genocide Convention, 1951 I.C.J. 15 (Advisory Opinion), 57, 58–63, 94</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rweyemamu v. Cote, 520 F.3d 198 (2d Cir. 2008), 14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right of Passage Case, (Portugal v. India) 1960 I.C.J. 6, 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rights of Minorities in Polish Upper Silesia (Germany v. Poland), 1928 P.C.I.J. (ser. A) No. 15, 380</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sahin v. Turkey, European Court of Human Rights (2005), 315–333</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schooner Exchange v. McFaddon, 11 U.S. (7 Cranch) 116 (1812), 172</td>
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<td>Secession, Quebec, see Reference re Secession of Quebec</td>
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<td>Serif v. Greece, ECHR (1999), 328</td>
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<tr>
<td>Simba, see Prosecutor v. Aloys Simba</td>
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<td>Sisal Sales Corp. (U.S. v.), 274 U.S. 268 (1927), 104</td>
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<tr>
<td>Smith and Grady v. U.K., ECHR (1999), 332</td>
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<tr>
<td>Sovereignty Over Pedra Branca/Pulau Batu Pateh, Middle Rocks and South Ledge (Malaysia v. Singapore) 2008 I.C.J. __, 41–44, 46, 49</td>
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<td>St. Vincent and the Grenadines v. Guinea, see Saiga Case</td>
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<td>Stalag Luft III Case, XI Law Reports 33, 439</td>
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<td>Stanely (U.S. v.), 483 U.S. 669 (1987), 18</td>
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<td>Tabion v. Mufti, 73 F.3d 535 (4th Cir. 1996), 139</td>
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<tr>
<td>Tadic Case, see Prosecutor v. Dusko Tadic Taveras v. Taveraz, 477 F.3d 767 (6th Cir. 2007), 14</td>
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<td>Tchet v. Hughes, 229 N.Y. 222 (1920), 95–98</td>
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<td>Temple Case (Cambodia v. Thailand) 1962 I.C.J. 6, 27</td>
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<td>The Apollon, 22 U.S. (9 Wheat.) 362 (1824), 136</td>
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<td>The Caroline Incident, 2 Moore, Dig. of Int'l Law 412 (1906)(not a case), 388–389</td>
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<td>The Lotus Case, (France v. Turkey), 1927 P.C.I.J. (ser. A) No. 10, 117, 214</td>
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<td>The Nottebohm Case, see Nottebohm Case</td>
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<td>The Paquete Habana, 175 U.S. 677 (1900), 5–10, 11, 28, 352</td>
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<tr>
<td>The Red Crusader, 35 I.L.R. 485 (1917), 232</td>
<td></td>
<td></td>
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<tr>
<td>Case Title</td>
<td>Volume and Citation</td>
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<td>The Richmond, 13 U.S. 102 (1815), 191</td>
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<td>The Saiga Case, see Saiga Case</td>
<td></td>
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<tr>
<td>The Schooner Charming Betsy (Murray v.), 6 U.S. (2 Cranch) 64 (1804), 109</td>
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<td>The Schooner Exchange v. McFaddon, 11 U.S. 116 (1812), 172</td>
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<td>30, at 30, 326</td>
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<td>Thomsen v. Cayser, 243 U.S. 66 (1917), 104</td>
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<td>U.K. v. Albania, see Corfu Channel Case</td>
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<td>United Communist Party of Turkey and Others v. Turkey, Judgment of 30 Jan.</td>
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<td>U.K. v. Iceland, see Fisheries Jurisdiction Case</td>
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<td>U.S. v. Aikins, 946 F.2d 608 (9th Cir. 1990), 212</td>
<td></td>
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<tr>
<td>U.S. v. Aluminum Co. of America, 148 F.2d 416 (2nd Cir. 1945), 103–104, 113</td>
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<tr>
<td>U.S. v. Ballinger, 395 F.3d 1218 (11th Cir. 2005), 212</td>
<td></td>
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<tr>
<td>U.S. v. Benitez, 741 F.2d 1312 (11th Cir. 1984), 109, 113, 114</td>
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<tr>
<td>U.S. v. Birch, 470 F.2d 808 (4th Cir. 1972), 110</td>
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<tr>
<td>U.S. v. Bowman, 260 U.S. 94 (1922), 109, 112</td>
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<td>U.S. v. Brandt, 2 Trials of War Criminals Before the Nuremberg Military Tri-</td>
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<td>buin Under Control Council No. 10 181 (1949), 16</td>
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<tr>
<td>U.S. v. Cadena, 585 F.2d 1252 (5th Cir. 1978), 189</td>
<td></td>
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<tr>
<td>U.S. v. Campa, 419 F.3d 1219 (11th Cir. 2005) rev’d en banc, 529 F.3d 980</td>
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<tr>
<td>(11th Cir. 2008), cert. den., 129 S.Ct. 2790 (2009), 187</td>
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<tr>
<td>U.S. v. Conroy &amp; U.S. v. Walker, 589 F.2d 1258 (5th Cir. 1979), 197–191</td>
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<tr>
<td>U.S. v. Davis, 905 F.2d 245 (9th Cir. 1990), 212</td>
<td></td>
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<tr>
<td>U.S. v. Fawaz Yunis, a/k/a Nazeeh, 924 F.2d 1086 (D.C. Cir. 1991), 106–109</td>
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<tr>
<td>U.S. v. Gonzalez, 776 F.2d 931 (11th Cir. 1985), 213</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. v. Larsen, 952 F.2d 1099 (9th Cir. 1991), 112</td>
<td></td>
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</tr>
<tr>
<td>U.S. v. MacAllister, 160 F.3d 1304 (11th Cir. 1998), 114</td>
<td></td>
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<tr>
<td>U.S. v. Marino-Garcia, 679 F.2d 1373 (11th Cir. 1982), 213</td>
<td></td>
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<tr>
<td>U.S. v. Martinez-Hidalgo, 993 F.2d 1052 (3d Cir. 1993), 213</td>
<td></td>
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</tr>
<tr>
<td>U.S. v. Moreno-Morillo, 334 F.3d 819 (9th Cir. 2003), 212</td>
<td></td>
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<tr>
<td>U.S. v. Odeh, 548 F.3d 276 (2d Cir. 2008), 114</td>
<td></td>
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<tr>
<td>U.S. v. Orozo-Prado, 732 F.2d 1076 (2d Cir. 1984), 112</td>
<td></td>
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<tr>
<td>U.S. v. Pizzarusso, 388 F.2d 89 (2d Cir. 1968), 112, 114</td>
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<tr>
<td>U.S. v. Rendon, 354 F.3d 1320 (11th Cir. 2003), 213</td>
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</tbody>
</table>
Table of Cases

U.S. v. Vasquez-Velasco, 15 F.3d 833 (9th Cir. 1994), 113, 114
U.S. v. Verdugo-Urquidez, 939 F.2d 1341 (9th Cir. 1991), 129, 132, 134
U.S. v. Verdugo-Urquidez, 494 U.S. 259 (1990), 188
U.S. v. Warren, 578 F.2d 1058 (5th Cir. 1978), 188
U.S. v. Wright-Barker, 784 F.2d 167 (3d Cir. 1986), 112
U.S. v. Yousef, 317 F.3d 56 (2d Cir. 2008), 15
U.S. v. Yunis, 924 F.2d 1086 (D.C. Cir. 1991), 106–109, 113
Valle Jaramillo et al. v. Colombia, Inter-American Court of Human Rights (2008), 337–348
Vasquez-Velasco (U.S. v.), 15 F.3d 833 (9th Cir. 1994), 113, 114
Verdugo-Urquidez (U.S. v.), 939 F.2d 1341 (9th Cir. 1991), 129, 132, 134
Verdugo-Urquidez (U.S. v.), 494 U.S. 259 (1990), 188
Victory Transport, Inc. v. Comisaria General de Abastecimiento y Transportes, 336 F.2d 354 (2d Cir. 1964), 176
Vietnam Ass’n for Victims of Agent Orange v. Dow Chemical Co., 517 F.3d 104 (2d Cir. 2008), 15, 17
Ware v. Hylton, 3 U.S. (3 Dall.) 198 (1796), 351
Warren (U.S. v.), 578 F.2d 1058 (5th Cir. 1978), 188
Western Sahara Case, 1975 I.C.J. 12 (Advisory Opinion), 32
Wildenhus’ Case, 120 U.S. 1 (1887), 214–215
Wright-Barker (U.S. v.), 784 F.2d 167 (3d Cir. 1986), 112
Yousef (U.S. v.), 317 F.3d 56 (2d Cir. 2008), 15
Yunis (U.S. v.), 924 F.2d 1086 (D.C. Cir. 1991), 106–109
Zee (U.S. v.), 601 F.Supp. 196 (D.Mass. 1985), 113
I would like to thank the President and Trustees of Suffolk University who granted me a sabbatical leave, without which this book would never have been completed. The Legal Studies Department at Brandeis University kindly allowed me to test out the text in an international law course. My students at Suffolk University Law School have been a source of much inspiration and proved a spur to develop better materials for teaching. My research assistants, Tracy Devlin, Kristine Hung, Frank Maniscalco, Halim Moris, and Maureen Pomeroy have all been diligent, prompt, and creatively cheerful. Joan Comer typed, retyped, and then repeated that process many times, always with speed and much grace and Patricia McLaughlin provided excellent secretarial assistance throughout the original project. To them all I owe a great debt. The second edition would not have been completed without the efficiency, grace and calming influence of Mishell Fortes who corrected, changed and inserted all the additions to the new edition. In working on the third edition I was aided by Rita Mercardo, my research assistant, and by the ever patient and tireless Mishell Fortes. The fourth edition, once again, was only possible with the detailed and meticulous help of Mishell Fortes.
International Law

Fourth Edition

Preface

The purpose of this book is to introduce students, with little legal training, to the study of public international law. Within North America law is normally taught at the graduate level in a professional law school. Yet there is a long and honorable tradition of teaching international law at the undergraduate or postgraduate level, particularly within the larger framework of international relations, generally in departments of government or political science. Throughout most of the rest of the world, law, including international law, is taught at the undergraduate level.

The need for a book specifically designed for students with limited legal knowledge became apparent to me when I was asked to teach such a course at Brandeis University. I reviewed the available literature and, apart from the standard, narrative form introductions to international law, there was little available. There are, of course, a number of well known case books, widely used in the professional law schools, which I have used for many years teaching in law schools, but all of them were both too detailed for introductory courses and assumed a fairly large legal background. Almost invariably international law is taught as an upper level course in law schools and the authors of texts for such courses can reasonably count on students having a fairly comprehensive grasp of all the core subjects of law.

I concluded that teaching a course at the undergraduate level or to graduate nonlegal specialists required a somewhat different approach and somewhat different materials and so I set about to construct my own book. The result appears in the pages that follow. It should be added that these materials do not assume that such students are less able than graduate law students to grasp difficult issues nor does it assume that they cannot deal with a variety of complex instruments that bear on a particular problem. Rather the book focusses on the central problems of international law, assumes no prior legal knowledge except that gathered by living in a society organized under a legal system, and encourages students to work through a number of problems that present a variety of international issues. The overriding aspiration of this book is that students will acquire a general understanding of the mechanisms and concepts of the international legal system and that they will find encouragement to pursue further study of the area.

Valerie Epps
Professor of Law
Director of the International Law Concentration
Suffolk University Law School
Boston, Massachusetts, U.S.A.
Electronic Research Resources for International Law

There are an ever expanding number of sites for conducting international law research electronically. It is fair to say that the availability of international law materials electronically has revolutionized research in international law. There are a number of guides to such research. The citations to, or web site addresses of two excellent guides are listed below:

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