

TABLE OF CONTENTS

I. Substantive International Law - First Part

1. THE FOUNDATIONS OF INTERNATIONAL LAW	9
1.1. Good Faith	9
1.2. Equity	9
* 1.3. Estoppel and Acquiescence	
2. SOURCES OF INTERNATIONAL LAW	10
* 2.1. General Questions	
* 2.1.1. Formation of Rules of International Law	
* 2.1.2. Historic Rights	
* 2.1.3. Rules of International Law of Regional and Local Application	
2.1.4. <i>Ius cogens</i> / obligations <i>erga omnes</i>	10
2.1.5. Relation between the Sources of International Law	
2.2. Customary International Law	15
2.2.1. Formation of Customary International Law	16
* 2.2.2. Evidence of Customary International Law	
* 2.3. Treaties	
2.4. General Principles of Law	20
2.5. Unilateral Acts	21
* 3. INTERNATIONAL LAW AND MUNICIPAL LAW	
4. SUBJECTS OF INTERNATIONAL LAW	22
4.1. General Questions	22
4.2. States	23
4.2.1. Jurisdiction of States	23
* 4.2.2. Territory	
* 4.2.3. Nationality	
4.2.4. Organs	28
4.2.5. Fundamental Rights and Obligations	31
4.2.5.1. Sovereignty	31
* 4.2.5.2. Equality	
* 4.2.5.3. Peaceful Settlement of Disputes	
* 4.2.5.4. Obligations of Cooperation and Negotiation	
4.2.6. Succession of States	31
4.2.7. Immunity of States	32
* 4.3. International Organisations	
* 4.3.1. General Questions	
* 4.3.2. Legal Position of Member States	
* 4.3.3. Internal Law	
* 4.3.4. "Implied Powers"	
* 4.4. Other Subjects of International Law	
4.5. Individuals	59
5. THE UNITED NATIONS	63
5.1. General Questions	63
5.2. General Assembly	64
* 5.3. Security Council	
* 5.4. Secretary-General	
* 5.5. Other Organs	
5.6. Relationship between different Organs	66
5.7. Interpretation of the Charter	73

* Indicates sections without case excerpts

5.8. Maintenance of International Peace and Security.....	74
5.9. Trusteeship System.....	75
* 5.10. Specialized Agencies	
* 5.11. United Nations Administrative Tribunal	
* 5.12. Regional Arrangements	
* 5.13. Privileges and Immunities	
5.14. Membership.....	76
6. USE OF FORCE AND RELATED PROBLEMS.....	83
6.1. Use of Force.....	83
6.2. Self-defence.....	101
6.3. Intervention.....	129
7. LAW OF TREATIES.....	131
7.1. General Questions.....	131
7.2. Treatymaking Capacity.....	132
* 7.3. Conclusion	
7.4. Reservations.....	133
* 7.5. Application	
7.6. Invalidity.....	136
7.7. Suspension and Termination.....	145
7.8. Interpretation.....	145
7.9. Specific Treaties.....	158
* 7.9.1. Treaty between the Allied and Associated Powers and the Kingdom of the Serbs, Croats and Slovenes on the Protection of Minorities of 1919	
* 7.9.2. Convention on the Prevention and Punishment of the Crime of Genocide of 1948	
* 7.9.3. Treaty of Friendship and Good Neighbourliness between the French Republic and the United Kingdom of Libya of 1955	
* 7.9.4. Convention on the Continental Shelf of 1958	
* 7.9.5. Doha Minutes	
7.9.6. Treaty of Amity Economic Relations and Consular Rights between the United States of America and Iran of 1955.....	158
* 7.9.7. Convention on Privileges and Immunities of the United Nations of 1946	
7.9.8. Vienna Convention on Consular Relations.....	167
7.9.9. Boundary Convention between Netherlands and Great Britain.....	189
7.9.10. Fourth Geneva Convention on the Protection of Civilian Persons in Time of War of 1949.....	194
7.9.11. International Covenant on Civil and Political Rights of 1966.....	201
7.9.12. International Covenant on Economic, Social and Cultural Rights of 1966.....	203
8. VIOLATIONS OF INTERNATIONAL LAW AND RESPONSIBILITY OF STATES.....	204
8.1. General Questions.....	204
* 8.2. Violation of International Law	
8.3. Treaty Violations.....	206
8.4. Imputability.....	211
* 8.5. Fault and due Diligence	
* 8.6. Participation	
8.7. Violation of Duty to Prevent Damage.....	219
8.8. Circumstances Precluding Wrongfulness.....	221
8.9. Consequences of an Internationally Wrongful Act.....	224

II. Substantive International Law - Second Part

1. TERRITORY OF STATES	254
1.1. Acquisition and Loss	254
1.1.1. General Questions.....	254
1.1.2. Legal or Historic Title.....	260
1.1.3. Effectivités.....	275
1.2. Boundaries	298
1.2.1. Land Boundaries	298
1.2.2. Maritime Boundaries	302
* 1.2.3. Air and Space	
1.2.4. Principle of "uti possidetis"	305
2. LAW OF THE SEA.....	319
* 2.1. General Questions	
2.2. Determination of Maritime Boundaries	319
* 2.3. Internal Waters	
* 2.4. Maritime Zones	
2.5. Freedom of Navigation	356
* 2.6. Fisheries	
2.7. Islands / Low-tide elevations	257
* 3. INTERNATIONAL WATERCOURSES	
* 4. AIR AND SPACE LAW	
5. SELF-DETERMINATION.....	368
6. NATIONALITY	373
* 6.1. General Questions	
* 6.2. Acquisition and Loss	
6.3. Diplomatic Protection.....	373
* 7. MINORITIES	
* 8. LAW OF ALIENS	391
* 8.1. General Questions	
8.2. Protection of Property.....	391
9. HUMAN RIGHTS	391
10. LAW OF ARMED CONFLICTS / INTERNATIONAL HUMANITARIAN LAW	412
11. DISPUTE SETTLEMENT	453
* 11.1. General Questions	
11.2. Judicial and Arbitral Decisions.....	453
12. DIPLOMACY AND CONSULAR MATTERS.....	461
13. INTERNATIONAL ECONOMIC LAW	473
13.1. General Questions.....	473
* 13.2. Multilateral Instruments	
13.3. Bilateral Treaties of Friendship and Commerce	474
* 14. INTERNATIONAL ENVIRONMENTAL LAW	
* 15. EXTRADITION	
16. INTERNATIONAL CRIMINAL LAW	490
* 16.1. General Questions	

* Indicates sections without case excerpts

16.2. Universal Jurisdiction	490
17. DEPENDENT TERRITORIES	505

III. The International Court of Justice

1. FUNDAMENTAL PRINCIPLES.....	519
1.1. General Questions	519
1.2. Consent of States	534
* 1.3. Equality of Parties	
1.4. Political Questions/Determination of the Existence of a Dispute.....	539
1.5. <i>Ius standi</i>	545
* 1.6. Applicable Law	
* 1.7. <i>Jura novit curia</i>	
1.8. Principle of Clean Hands	557
1.9. Composition of the Court	560
2. THE JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE	567
2.1. General Rules	567
2.2. Conditions for a Decision on the Merits	578
2.2.1. Exhaustion of Local Remedies	578
2.2.2. Necessity of Diplomatic Negotiations	591
* 2.2.3. Jurisdiction in Case of Continuing Negotiations between the Parties	
2.2.4. Admissibility	593
* 2.2.5. Simultaneous seizing of the Court and the Security Council/ Review of Security Council resolutions	
2.2.6. Mootness	603
* 2.3. The Optional Clause	
* 2.3.1. General Questions	
* 2.3.2. Transfer of Acceptances of the Compulsory Juris- diction of the Permanent Court of International Justice (Article 36, Paragraph 5, of the Statute of the International Court of Justice)	
* 2.3.3. Reservations	
* 2.3.4. Interpretation of a Declaration made under Article 36, Paragraph 2, of the Statute	
* 2.3.5. Reciprocity	
2.4. Jurisdiction on the Basis of a Special Agreement.....	604
2.5. Jurisdiction on the Basis of Treaties	606
2.5.1. General Questions	606
* 2.5.2. Transfer of Competences of the Permanent Court of International Justice (Article 37 of the Statute of the International Court of Justice)	
2.5.3. Specific Treaties/Scope of Jurisdiction.....	607
2.6. Agreement in Regard to Jurisdiction in the Course of the Proceedings	649
* 2.7. Jurisdiction on the basis of a previous judgment	
2.8. Jurisdiction and Third States.....	650
* 2.9. Review of Arbitral Awards	
2.10. Concurring Jurisdictions	655
2.11. Dismissal <i>in limine litis</i>	657
3. THE PROCEDURE OF THE INTERNATIONAL COURT OF JUSTICE.....	667
3.1. General Questions.....	667

*	3.2. Procedure before a Chamber Dealing with a Particular Case (Article 26, Paragraph 2, of the Statute)	
	3.3. Judges ad hoc	668
	3.4. The Submissions / Scope of the Dispute	674
	3.5. Preliminary Objections	682
*	3.6. The Procedure in Default of Appearance	
	3.7. Evidence.....	686
*	3.8. Duty of the Court to Seek Further Clarification	
	3.9. Relevant Facts.....	704
	3.10. Provisional Measures.....	704
	3.10.1. General Questions	704
	3.10.2. Prerequisites and questions of Procedure.....	708
	3.10.3. Provisional Measures and Jurisdiction.....	716
	3.10.4. Binding Effect / Compliance	722
	3.10.5. Provisional Measures and Merits	735
	3.11. Intervention	737
	3.11.1. General Questions (Article 62 and 63 of the Statute)	737
	3.11.2. Article 62, Prerequisites in General	738
	3.11.3. Article 62, Jurisdictional Link	753
*	3.11.4. Procedural Rights of the Intervening State	
*	3.11.5. Article 63	
	3.12. Counter-Claim	756
*	3.13. Joinder	
	3.14. Withdrawal of Suit.....	773
*	3.15. Question of Costs	
	4. JUDGMENTS OF THE INTERNATIONAL COURT OF JUSTICE	774
	4.1. General Questions.....	774
	4.2. Effects of Judgments.....	787
*	4.3. Interpretation of Decisions	
	4.4. Revision of Judgments.....	799
	4.5. Separate Opinions	825
	4.6. Compliance.....	826
	5. ADVISORY OPINIONS OF THE INTERNATIONAL COURT OF JUSTICE	828
	5.1. General Questions.....	828
	5.2. Request for Advisory Opinion.....	829
	5.3. Jurisdictional Questions and Denial of the Request for Advisory Opinion	834
	5.4. Procedure	851
*	5.5. Review of Decisions of the United Nations Administrative Tribunal	

Summaries of the Decisions

Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)

Judgment of 16 March 2001

LaGrand Case (Germany v. United States of America)

Judgment of 27 June 2001

Case Concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of Congo v. Belgium)

Judgment of 14 February 2002

Case Concerning Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda)

Provisional Measures, Order of 10 July 2002

Case Concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea Intervening)

Judgment of 10 October 2002

Case Concerning Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)

- Application of the Philippines for Permission to Intervene, Judgment of 23 October 2001

- Judgment on the Merits of 17 December 2002

Application for Revision of the Judgment of 11 July 1996 in the Case Concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)*, *Preliminary Objections*

Judgment of 3 February 2003

Case Concerning Certain Criminal Proceedings in France (Republic of the Congo v. France)

Provisional Measures, Order of 17 June 2003

Case Concerning Oil Platforms (Islamic Republic of Iran v. United States of America)

Judgment of 6 November 2003

Application for the Revision of the Judgment of 11 September 1992 in the case Concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua Intervening)* (El Salvador v. Honduras)

Judgment of 18 December 2003

Case Concerning Avena and other Mexican Nationals (Mexico v. United States of America)

- Provisional Measures, Order of 5 February 2003

- Judgment on the merits of 31 March 2004

Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory

Advisory Opinion of 9 July 2004

Case Concerning Legality of Use of Force (Serbia and Montenegro v. Belgium; Serbia and Montenegro v. Canada; Serbia and Montenegro v. France; Serbia and Montenegro v.

* *Indicates sections without case excerpts*

Germany; Serbia and Montenegro v. Italy; Serbia and Montenegro v. Netherlands; Serbia and Montenegro v. Portugal; Serbia and Montenegro v. United Kingdom)
Judgment of 15 December 2004

Case Concerning Certain Property (Liechtenstein v. Germany)
Judgment of 10 February 2005

Case Concerning the Frontier Dispute (Benin/Niger)
Judgment of 12 July 2005

Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)
- Counter-Claims, Order of 29 November 2001
- Judgment on the Merits of 19 December 2005

The Judges of the International Court of Justice 2001-2005

Judges ad hoc

General Index

* *Indicates sections without case excerpts*



<http://www.springer.com/978-3-540-87466-9>

World Court Digest 2001 - 2005

2009, XVII, 931 p., Hardcover

ISBN: 978-3-540-87466-9