# Contents

	pag.
Preface	XIII
List of abbreviations	XV

# Chapter 1 What is international law

1.	Regulating the relations between states and constraining their external	
	sovereignty	3
2.	And constraining the exercise of the internal sovereignty of states	4
3.	Why do states undertake international obligations?	6
	3.1. The example of the Rio Grande Agreement	7
4.	Why do states breach international law?	8
5.	Can we speak of a Constitution of the international society of states?	
	A brief history	10
6.	Differences and similarities between international law and domestic law	17
	6.1. Predictability	20
7.	Concluding remarks	22
Fu	rther reading	26

## Chapter 2

### Who makes international law and its recipients

1.	The subjects and actors of international law & the issue of international	
	legal personality	29
2.	States and statehood	31
	2.1. Recognition	33

Contents

pag.
------

2.2. Intergovernmental organisations	36
2.3. Non-state entities	38
2.3.1. Individuals	38
2.3.2. NGOs	42
2.3.3. Corporations	46
Further reading	47

### Chapter 3

### Making and changing international rules

1.	Sources of law and sources of international law	51
	1.1. The absence of legislation in international law	53
2.	Article 38 of the Statute of the International Court of Justice	58
3.	International agreements	59
	3.1. Treaty law	62
4.	International custom	68
5.	Relationship between the sources of international law	70
	5.1. Relationship of compatibility	70
	5.2. Relationship of conflict	72
6.	General principles of law	74
7.	Soft-law instruments	78
Fu	rther reading	81

### Chapter 4

### International law and domestic legal systems

1.	Background	85
2.	The monism v dualism controversy	86
3.	Municipal law in international law and before international courts	
	and tribunals	88
4.	International law in municipal law and before domestic courts and	
	tribunals	92
5.	The doctrine of <i>incorporation</i> of customs and <i>transformation</i> of treaties	
	in common law jurisdictions	93
6.	The 'receipt' of international law in civil law jurisdictions	99
7.	The crux of the matter: conflict and precedence	101

	pag.
8. Jurisprudential nationalism	104
Further reading	109

Contents

#### Chapter 5

#### Breaching international law and its consequences

1. Introduction	113
2. International wrongs and state responsibility	115
2.1. An internationally wrongful act of a state	117
2.2. The legal relationship of responsibility	122
3. State liability and civil liability	126
Further reading	130

#### Chapter 6

#### The international means of dispute settlement

1.	Introduction	133
2.	The existence of a legal dispute	135
3.	Diplomatic means of dispute settlement	139
4.	Adjudicative means	145
5.	Institutional means for the settlement of disputes over collective interests	152
	5.1. The United Nations	154
	5.2. Compliance review mechanisms	156
Fu	rther reading	157

### Chapter 7

## Select areas of substantive international law

1.	Introduction	161
2.	International Economic Law	163
	2.1. International foreign investment law	163
	2.2. WTO law	170
3.	The law of the sea	172
4.	International human rights law	177

IX

X Contents	
	pag.
5. International Environmental Law	183
6. International criminal law and justice	189
7. The law of jurisdictional immunities	192
8. International law on migration	197
Further reading	202
-	

Conclusions: Multilateralism v.	. Unilateralism	205