PREFACE

As public international law continues to evolve, its fundamental principles have been articulated in a variety of settings. Many decisions issuing from the World Court, from arbitrations, from national courts, or from foreign offices have come to provide authoritative statements of such principles. This book is an attempt to condense some of that case law into a single volume. As compared with other basic texts, it is narrower in scope, but broader in depth. The cases selected are distinctive not only for the points of law they raise, but for the judicial reasoning through which such points are developed and debated. They may, depending on the methods of individual instructors, either replace or simply complement existing materials.

Striving, as far as possible, to keep the cases intact, we have made our choices about where each case might best be introduced, knowing that other lecturers, scholars or practitioners might well make different choices. Thus, for example, the 1986 Nicaragua case is included under the law of sources, whilst it is just as relevant to the use of force. (In the classroom, our preference is to spend several initial sessions on sources. When we later turn to a substantive area such as the law of armed conflict, students appear to have little difficulty reviewing a case like Nicaragua in conjunction with new sets of issues. At the same time, we are aware that other lecturers may spend less time on the law of sources, preferring it to unfold gradually in the treatment of substantive areas.) Similarly, the Barcelona Traction case is now widely known as the first statement by the World Court of the doctrine of obligations erga omnes; as its substance, however, lies in the area of state responsibility, it has been grouped with cases concerning the latter rather than the former issue. Meanwhile, the 1995 Nuclear Tests Case, whilst not directly related to fundamental areas of treaty law, is grouped under that heading with the 1974 case simply for purposes of continuity. Having stated our preferences, we can only welcome and encourage alternatives. We by no means feel that the order presented here must be followed strictly. Within a chapter, the order presented is, except in Chapters I and 3, strictly chronological, and thus in no way superior to a number of plausible alternatives.

We also note the inclusion in this volume of an English translation of the classic Nauilila case, heretofore absent from most standard English-language texts. This case continues to represent a classic statement of the law of reprisals, whilst also raising interesting issues of state responsibility, damages, compensation and equity.

Of course, many cases that might be suitable for a more comprehensive volume could not be included here. Some topics, such as domestic recognition, incorporation and transformation of international law, are dominated by national law and will thus vary from one country to the next. These topics are best left to the choices of individual lecturers. Similarly, more specialised areas, such as the law of the sea, environmental law or human rights, are likely to be subject to the tastes and perspectives of individual lecturers, and thus, for reasons of content as well as space, have been omitted. Despite such necessary limitations, we hope that this volume will offer students, scholars and
practitioners easier access to some of the leading cases in public international law. Although footnotes have largely been eliminated, their original numeration, where they do appear, has been maintained.

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