

INDEX

- Abbas, Mahmoud, 241–2
- Abkhazia, Republic of, ICJ
extraterritoriality cases and,
56–8, 63–5
- Aboriginal customary law, Crawford
and, xvii–xviii
- accessibility, polar sovereignty and
issues of, 111–14
- accountability, of non-state actors,
84
- acquis communautaire*, state
recognition and, 205–6
- Act of Free Choice
analysis of, 221–7
historical background concerning,
209–10
Indonesian incorporation of West
Papua under, 219–20
New York Agreement and, 217–19
- administrative law, investment treaty
case law and, 105–8
- admiralty jurisdiction, Crawford's
work in, xvii
- ADM v. Mexico*, 398n27, 399
- aerial bombardment, collateral civilian
damage and, 327–9
- AETR* doctrine, EU external relations
and, 407–11, 413, 415–17
- Afghanistan, European state actors in,
67–70
- Africa, *uti possidetis* principle and
decolonisation in, 250–2,
255–6n32, 257n33, 258, 262–4
- African Charter on Human and
Peoples' Rights (ACHPR)
extraterritoriality and, 54–8
jurisdictional issues and, 63–5
- African National Congress (ANC),
238n43
- African Union, 169–70
responsibility to protect and, 29–30
- Ago, Roberto, 292n21–22, 293n28,
297–301, 352–6
- Agreement on Subsidies and
Countervailing Measures (SCM
Agreement)*, 363–4
- International Law Commission
relevance in, 375–83
'public body' concept interpreted by,
365–9
- World Trade Organisation (WTO)
Appellate Body's interpretation of
'public body' concept, 369–73
- Ahtisaari Plan, 161–6
- Al-Adsani* case, 187–8
- Albania
Corfu Channel case and, 47–8
Kosovo Albanians and, 161–6
- Albright, Madeleine, 26–27n16
- Alexandre (President), 166–70
- Algeria, 157–61, 165n66
- Allot, Philip, 288–9n9, 291, 292–6
- Al-Skeini* case, 'exceptional' nature of
territoriality in, 65–7
- Althusius, Johannes, 172
- American Convention on Human
Rights
extraterritoriality and, 54–6
jurisdiction in, 60–5
- American Law Institute (ALI)
on disclaimers in recognition of
states, 205–6
'Manifestation of Intention to
Recognize', 202–4

- Restatement* (1965) on state recognition, 198–202
- Amis, Martin, 3
- Anastasiou* case, 177–9
- Anglo-German Agreements of 1913, Cameroon-Nigerian boundary dispute and, 262–4
- Annan, Kofi, 26–7, 32–3, 157–61
- Antarctica, polar sovereignty issues and, 110–11
- Antarctic continental shelf, sovereignty issues concerning, 116–17
- Antarctic sovereignty, 114–17
- Antarctic Treaty (1959), 110–11, 114–17, 124–5
- Antarctic Treaty System (ATS), 114–17
- Anzilotti, Dionisio, 144–5, 151–2
- Arab League
- Syrian and suspension from, 348–51
 - UN Security Council Resolution 1973 and, 37–8
- Arangio-Ruiz, Gaetano, 356–60
- Arctic Maritime Shipping Assessment (AMSA) Report*, 118–21
- Arctic sovereignty, 110–11, 118n45, 121
- Arctic Water Pollution Prevention Act, 118–21
- Arendt, Hannah, 4–5
- Argentina
- Antarctic sovereignty and, 121–4
 - ARA Libertad* case and, 389–91
 - Beagle Channel* arbitration and, 259–60
 - Eichmann extradition and, 47–8
 - investment treaty claims in, 90–3
 - polar sovereignty and, 111–14
 - State responsibility principles in, 297–301
 - third party countermeasures and, 352–6
- Aristide, Jean-Bertrand, 166–70
- Armed Activities on the Territory of Congo*, ICJ opinion on, 204–5
- arms shipments, PCASP guidelines and, 315–21
- Articles on State Responsibility (ASR) countermeasures of investment treaty claims and, 395–6
- Eurotunnel dispute and, 427–8, 429–32, 436
- military necessity limits in, 334–7
- mixed multi-party disputes and, 421–2
- normative principles in, 288–90n11, 291
- primary and secondary rules of military necessity and, 337–8
- State complicity with corporate human rights breaches and, 321–4
- third party countermeasures and, 340–1, 347–51
- U.S. – *Antidumping and Countervailing Duties* (China) and, 363–4
- Articles on State Responsibility (ILC), 47–8, 173–82, 188–90
- Asian sovereignty. *See* East Asia
- Assad, Bashar al-, 37–8, 44–6, 347–51
- assumption of risk, in Eurotunnel dispute, 432–4
- attribution, test of
- collateral civilian casualties and, 327–9
 - U.S.-*Antidumping and Countervailing Duties* (China) and, 363–4
- Audencia de Guatemala*, 267–70
- Australia
- Antarctic sovereignty and, 114–17, 121–4
 - investment treaty claims and, 90–3
 - polar sovereignty issues and, 110–11
- Australian Antarctic Territory (AAT), 114–17
- Australian Courts of Law, xvi
- Australian Law Reform Commission, xvi
- auto-interpretation, third party countermeasures and problem of, 356–60
- Badan, Opertti, 350
- Badinter Commission, 192–6
- uti possidetis* principle and, 248–52

- Bahrain, third party countermeasures and, 343–7
- Baker, James, 157–61
- Baker Plan (Framework Agreement) (2001), 157–61
- Baltic States, state continuity and succession in, 273–7
- Banković* case
 ‘exceptional’ nature of territoriality in, 65–7
 ‘legal space’ concept in, 67–70
- Barbados, maritime boundary dispute in, 265
- Barcelona Traction* opinion, 297–301
- Barcenas-Esguerra Treaty, 267–70
- Barry, Elizabeth, 6–7
- Basten, Henry, xiv
- Beagle Channel* arbitration, 259–60
- Beckett, Samuel, 14, 15–17, 21
- Bedjaoui, Judge, 249–50, 270–2
- Beer, Gillian, 5
- Belgium, Palestine statehood supported by, 239–42
- Bellinger, John B. III, 46
- Best Management Practices, piracy defence in shipping industry, 307–8
- Bianchi Andrea, 325–7
- bilateral investment treaties (BITs)
 constitutional legitimacy of, 90–3
 investment treaty case law and, 105–8
 lex specialis principle and, 391–3
- bilateral recognition, objective statehood principle and, 231–4
- binary analytic mindset, collateral damage and, 331
- Black, Eugene R., 20–1
- Black Sea* case, *uti possidetis* principle and, 270
- Blair, Tony, 23, 30–1, 40
- Bluntschli, 277–9, 342–3
- Bolivia
 investment treaty claims by, 90–3
 uti possidetis/uti possidetis juris principle and, 254n24
- Bosnia-Herzegovina
 humanitarian crisis in, 25–6, 43
 international recognition of, 196–8, 202–4
- Bosnian Genocide* case, 297–301
- Botswana, third party countermeasures and, 343–7, 350–1
- boundary disputes
 Barbado boundary dispute, 265
 Cameroon-Nigerian boundary dispute, 262–4
 Colombian-Nicaraguan boundary dispute, 267–70
 during colonialisation, 252–8
 Gulf of Fonseca maritime boundary dispute, 258–9, 260–2
 Honduran-Nicaraguan boundary dispute, 265–7
 maritime boundaries, *uti possidetis* principle in, 258–70
 uti possidetis juris principle and, 248–52
- Brazil
 functional immunity in perimeter guard case in, 310–15
 uti possidetis de facto formula in, 252–4n24, 258
- Bricker Amendment,
 non-self-executing treaties and, 95–9
- Brierly, James, 277–9
- Briggs, Herbert, 233n16, 231–4, 234n22
- Brown, Jethro, xv
- Brownlie, Ian, xv–xvi, 289n9, 293n28
- Brownlie’s Principles of International Law* (Crawford), xxi
- Brownlie’s Principles of Public International Law*, 198–202
- Brussels Convention, rules on criminal jurisdiction over collisions, 310–15
- Bulgaria, neutrality concerning
 Palestinian statehood, 241–2
- Bunker, Ellsworth, 217–19
- Burkina Faso/Mali* case, 249–50
 state recognition in, 198–202
 uti possidetis principle and, 255–8, 260–2, 265–7

- Burundi, third party countermeasures and, 350–1, 352–6
- Cairo Declaration, Senkaku/Diaoyudao Islands dispute and, 128–30
- California Alien Land Law, international law and, 95–9
- California Supreme Court, UN Charter and rulings by, 95–9
- Cambridge University, Crawford's presence at, xx–xxv
- Cameroon, Republic of
boundary dispute with Nigeria, 262–4
third party countermeasures and, 352–6
- Canada
Arctic sovereignty issues and, 121–4
Arctic sovereignty issues in, 118–21
EU asbestos dispute and, 81
investment treaty claims and, 90–3
Palestinian statehood supported by, 239–42
polar sovereignty issues and, 110–11
Quebec separatism in, 248
United Postal Service of America Inc (UPS) v. Canada and, 179–82
Canada-Dairy case, WTO Appellate Body's interpretation of 'public body' concept and, 369–73, 386n99
- carbon markets
Forest Carbon Partnership Facility (World Bank), 81, 81n56
normative conflicts over establishment of, 71–3
regime interaction and, 81
Cargill v. Mexico, 401–3
casus belli, primary and secondary rules of military necessity and, 337–8
- Central American Court of Justice
Gulf of Fonseca boundary dispute and, 258–9
Land, Island and Maritime Frontier Dispute, 260–2
- Central Bank of Nigeria, restrictive immunity doctrine and, 186–7
- Central Europe, state continuity and succession in, 273–7
- Centre for the Democratic Control of Armed Forces, 315–21
- Channel Tunnel Group Ltd., 422–3
Sangatte migrants and, 425–6
- Channel Tunnel (International Arrangement) Order, 425–6
The Charkieh ruling, 182–8
- Charlesworth, Hilary, 15–17
- Chatterjee, Partha, 18–20
- Chesterman, Simon, 47–8
- Chile
Beagle Channel arbitration and, 259–60
polar sovereignty and, 111–14
- China, People's Republic of
critique of Senkaku/Diaoyudao Islands claims, 134–6
East Asian sovereignty and, 126–43
history of Senkaku/Diaoyudao Islands ownership and, 128–30
overview of Senkaku/Diaoyudao claims, 129–130n16, 131–3
polar sovereignty issues and, 110–11
Senkaku/Diaoyudao Islands dispute with Japan and, 126–8
state-owned enterprises and state-owned commercial banks in, 365–9
- Syria and, 44–6
U.S.-Antidumping and Countervailing Duties (China) and, 363–88
U.S. relations with, 126–8
- Churkin, Vitaly, 36–7
- Cicero, 250–2
- civil law, restrictive immunity doctrine and, 187–8
- civil rights litigation (U.S.)
human rights treaties and, 90–3
international law and, 95–9
- Civis Romanus sum*, third party countermeasures and, 342–3
- 'clean slate' principle, state continuity and succession and, 279–83

- 'clear excessiveness' standard, collateral civilian damage and, 327–9
- clichés
- historical origins of, 6–7
 - in international law, 7–14
 - rousing of, 15–21
 - terminology of, 4–7
- climate change
- international regime for, 73–8
 - polar sovereignty issues and, 118n45, 121, 124–5
- coastal State rights, *Enrica Lexie* incident and, 310–15
- Cobbett, Pitt, xviii
- coexistence principle, third party countermeasures and, 352–6
- Cohen, Jean L., 283–4
- Cold War
- Indonesian independence and, 217–19
 - polar sovereignty issues and, 110–11
 - regime change ideology in wake of, 166–70
 - responsibility to protect and end of, 41–2
- collateral damage
- binary analytic mindset concerning, 331
 - international law concerning, 325–7
 - military necessity concept and, 332
 - qualifying words pertaining to offence of, 327–9
 - state *vs.* individual responsibility thresholds for, 329–30
- collective recognition, of Palestinian statehood, in UNGA Resolution 67/19, 234–42
- Colombia
- investment treaty claims by, 90–3
 - Nicaraguan boundary dispute with, 267–70
 - uti possidetis/uti possidetis juris* principle and, 254n24
- Colonial Declaration, *uti possidetis* principle and, 255–8
- colonialisation. *See also* decolonisation; independence
- Act of Free Choice in West Papua and, 209–10
 - Crawford's Admiralty work and, xvii
 - 'legal space' concept and, 67–70
 - uti possidetis* principle and, 252–8, 270–2
 - Western Sahara territorial disposition and, 157–61
 - West New Guinea under, 213–15
- Commission on the Limits of the Continental Shelf (CLCS)
- Antarctic sovereignty issues and, 116–17
 - Arctic sovereignty issues and, 118–21
 - contemporary challenges involving, 121–4
 - polar sovereignty issues and, 110–11
- Commission v. Greece*, 414–15
- Common Commercial Policy, EU
- competences concerning, 407–9
 - communitarian law enforcement, third party measures and, 347–51
- comparative public law analysis, investment treaty case law, 105–8
- Comprehensive Peace Agreement (CPA) between the Government of The Republic of Sudan and the Sudan People's Liberation Movement/ Sudan People's Liberation Army 2005, 159n26
- compulsory jurisdiction, legal characteristics of states and, 145–7
- conceptual clichés, 10
- Concession Agreement, in Eurotunnel dispute, 426–7, 429–32
- conduct of states. *See* State responsibility
- conduct of persons empowered by, 364n5
 - countermeasures in investment treaty claims and, 395–6
 - in Eurotunnel dispute, 432–4

- normative principles of State responsibility and, 288–91
- third party countermeasures and, 356–60
- WTO Appellate Body's interpretation of 'public body' concept and, 369–73, 377n67
- Conferences of the Parties (CoPs), State responsibility law and, 304–5
- Confucianism, territorial sovereignty and principles of, 139–41
- I Congreso* case, 182–8
- constitutionality issues
 - European Community legal order and, 99–105
 - international law and, 95–9, 292–6
 - investment treaty claims and, 90–3
 - state continuity and succession, 279–83
- Constitution of the United States, international law and, 95–9
- Constitutive Act of the African Union, 29–30
- constructive possession, *uti possidetis* principle and, 252–8
- contiguity principle, polar sovereignty and, 111–14
- continental shelf claims
 - Antarctic sovereignty issues concerning, 116–17
 - Arctic sovereignty issues and, 118–21
 - Colombian-Nicaraguan boundary dispute and, 267–70
 - polar sovereignty issues and, 110–11
 - Senkaku/Diaoyudao Islands dispute and, 128–30
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
 - extraterritoriality and, 54–7
 - jurisdiction in, 60–3
 - law of state responsibility and, 179–82
 - U.S. ratification of, 95–9
- Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 310–15
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 54–6
- Convention on the Elimination of All Forms of Racial Discrimination (CERD), 54–8
 - extraterritoriality and, 63–5
- Convention on the International Trade of Endangered Species (CITES)
 - accountability to sovereign states of, 84
 - experts' role in, 82–3
 - regime interaction and, 80
- Convention on the Prevention and Punishment of Genocide, 95–9
- Convention on the Rights of the Child (CRC)
 - Democratic Republic of Congo v. Uganda* and, 63–5
 - extraterritoriality and, 54–8
 - jurisdiction in, 60–3
- Convention on the Settlement of Investment Disputes (ICSID)
 - 'Exit' and 'Voice' dichotomy in, 93–5
 - investment claim countermeasures and, 389–91
 - investment treaty compatibility with, 90–3
 - lex specialis* principle and, 391–3
 - state recognition and, 203–4
- coordination principle, third party countermeasures and, 352–6
- Corfu Channel* Case, 47–8, 302–3
- corporate misconduct, State complicity with corporate human rights breaches and, 321–4
- Costa Rica, Palestinian statehood supported by, 239–42
- Côte d'Ivoire, regime change in, 169–70
- Council of the League of Nations, 147–9

- 'counter-limits' (*controlimiti*),
European Community legal order
and, 99–105
- countermeasures
in investment treaty claims,
389–405
by third parties, 340–1, 362
- counter-terrorist politics
Kosovo and, 161–6
state immunity and, 182–8
Western Sahara territorial
disposition and, 157–61
- Court of Appeal of England and Wales,
177–9
- Court of Justice of the European Union
(CJEU), 407–11
EU Member States' international
agreements and, 409–11
need for EU coordination and,
413
Opinion 1/94 of, 408–9
Opinion 2/91, 413
- Covenant of the League of Nations,
147–9
- CPI v. Mexico*, 399–401n40
- Craven, Matthew, 273–83
- Crawford, James
*The Creation of States in
International Law* and, xv–xvi,
xxi, 144–7, 273–7
'The Creation of the State of
Palestine: Too Much Too Soon,'
229–31
'*Democracy in International Law*'
lecture, 93–5
democratisation of international
law, quest for, 93–5
early life and career, xi–xix
Eurotunnel partial award and, 426,
436
on evolution of international law,
88–9
human rights laws and, 51–4
investment claim countermeasures
and, 389–91, 405
legacy of, xx–xxv, 51–4
on legal characteristics of states,
144–5, 151–2
mixed multi-party disputes and
work of, 421–2
on Palestinian statehood, 229–31
on presumption of sovereignty,
80n51
on regime interaction, 83–4
on sector theory, 111–14
on state continuity and succession,
273–7, 283–4
on statehood, 155–6, 172
on state immunity, 173–7,
310–15
on State responsibility, 287–8,
291–292n21, 297–301
on third party countermeasures,
340–1, 343–7
third party countermeasures and,
352–60
*U.S.-Antidumping and
Countervailing Duties* (China)
and, 363–4
uti possidetis principle and work of,
248–72
- Crawford, James Allen, xiii
- Crawford, Josephine Margaret, xiii
- Crimes at Sea Act, xvii
- Croatia, international recognition of,
196–8
- Cuba
Palestinian statehood supported by,
242–3
third party countermeasures and,
343–7
- customary international law. *See*
international law
- Cyprus
Anastasiou case and, 177–9
international recognition of, 205–6
Turkish occupation of, 67–70
Cyprus v. Turkey, 177–9
- Declaration of Maroua, 262–4
- Declaration of Yaoundé II, 262–4
- decolonisation
self-determination and, 210–13,
221–7
state continuity and succession and,
279–83

- statehood recognition and, 232n11
- uti possidetis* principle and, 250–2
- Decolonising International Law* (Pahuja), 20–1
- deep sea technologies, *uti possidetis* principle, marine space territorialisation, 250–2
- degeneration, cliché as expression of, 4–5
- de jure* recognition of states, 198n30, 202, 204–5
- de lege ferenda*, State complicity with corporate human rights breaches and, 321–4
- Democratic Republic of Congo v. Uganda*, 51–4, 56–8
 - extraterritorial applicability in, 63–5
 - International Covenant on Civil and Political Rights applicability in, 60–3
 - ‘legal space’ concept in, 67–70
- Democratic Republic of Congo (DRC)
 - ‘legal space’ concept and law of occupation and, 67–70
 - separation barrier with Uganda, 56–8
- Democratic Republic of Vietnam, 202–4
- democratisation
 - in international law, 93–5
 - regime change and, 166–70
- Demopoulos* case, 177–9
- Denmark, Arctic sovereignty issues and, 118–24
- Denning (Lord), 177–9
- developing countries, Kosovo air strikes opposed by, 26–7
- ‘Diaoyu Dao, an Inherent Territory of China’, 131–3
- Dictionary of Received Ideas*, 6–7
- Diplock, Lord, 182–8
- diplomatic protection
 - investment treaty claims and, 391–3
 - State responsibility and, 295n39
- direct effect doctrine, European Community legal order and, 99–105
- disclaimers, in law of recognition, 205–6
- dispute settlement, PCIJ and ICJ
 - activities concerning, 304
- domestic courts, extraterritoriality in rulings by, 56–7
- domestic law
 - autonomy of international responsibility from, 292–6
 - ‘Exit’ and ‘Voice’ dichotomy and, 109
 - international law and rule of irrelevance of, 93–5
 - investment treaty case law and, 105–8
 - sovereignty and regime interaction and, 80n50
 - State immunity cases and, 310–15
 - US civil rights litigation and international law and, 95–9
- Dominican Republic, Haitian regime change and, 166–70
- Don Pacifico* affair, 341
- Douglas, Zachary, 401–3
- Drago–Porter Convention, 342–3
- Droit de gens*, 277–9
- dualism, statehood dynamics and, 174–5
- dubio mitius* principle, 385n95
- due diligence
 - State complicity with corporate human rights breaches and, 321–4
 - State responsibility and PCASP protection, 315–21
- due process
 - investment treaties and, 90–3
 - third party countermeasures and, 356–60
- Dugard, John, 231–2n11, 234, 341–2
- Dumbarton Oaks Conference, law of recognition and, 192–6
- Dutch East Indies, 213–15
 - decolonisation and, 221–2
- duty of cooperation
 - Member States’ compliance with EU laws and, 414–15

- duty of cooperation (*cont.*)
 USU Target System of Terminal
 Dues and, 415–17
- East Asia
 Chinese Senkaku/Diaoyudao claims
 and traditional law in, 141–3
 palimpsestic aspects of sovereignty in,
 138–41
 palimpsestic reconstruction of
 sovereignty in, 139–41
 Senkaku/Diaoyudao dispute and
 sovereignty concepts in, 131–3
 sovereignty issues in, 126–43
 traditional regional order in,
 Chinese Senkaku/Diaoyudao
 claims and, 134–6
- Eastern Carelia* opinion, 147–9
- Eastern Europe, state continuity and
 succession in, 273–7
- Eastern Greenland* case, 124–5
 polar sovereignty and, 111–14
- East Timor, Indonesian invasion of,
 227–8
- East Timor Case (Portugal v. Australia)*,
 227–8
- EC-Hormones* case, 385n95
- Economic Community of West African
 States (ECOWAS)
 intervention in Côte d'Ivoire,
 169–70
 interventions in Liberia and Sierra
 Leone by, 47–8
- Ecuador
 investment treaty claims and, 90–3
 third party countermeasures and,
 343–7
- effects test, investment treaty case law
 and, 105–8
- Eichmann, Adolf, 4–5, 47–8
- Eliot, T. S., 14
- El Salvador, Gulf of Fonseca boundary
 dispute and, 258–9, 260–2
- Enrica Lexie* incident, 307–8, 310–21
- environmental institutions, regime
 interaction and, 73–8, 81
- Environment Protection and
 Biodiversity Conservation Act
 1999 (EPBC Act) (Australia),
 114–17
- epistemic communities, international
 relations scholarship on, 73–8
- equality of states, Chinese
 Senkaku/Diaoyudao claims and,
 134–6
- equal protection clause (U.S.
 Constitution), international law
 and, 95–9
- erga omnes* dictum
 State responsibility and, 297–301
 third party countermeasures and,
 343–7, 356–60
- ethnic identity, self-determination and,
 221
- EULEX, Kosovo independence and,
 161–6
- European Community (EC)
 'Exit' and 'Voice' dichotomy in law
 of, 93–5, 99–105
 integration of, constitutional
 implications for, 99–105
 investment treaties and law of, 90–3
- European Convention on Human
 Rights (ECHR)
 extraterritoriality and, 54–6
 human rights obligations in
 non-sovereign territory of treaty
 parties, 67–70
 jurisdiction 'triggers' and, 58–63
 State responsibility concerning
 investment treaty claims and,
 391–3
- European Court of Human Rights,
 56–7
 'exceptional' nature of
 extraterritoriality and, 65–7
 extraterritoriality in cases of, 65–7
 human rights obligations in
 non-sovereign territory of treaty
 parties, 67–70
 law of state responsibility and,
 177–9
Namibia exception and, 177–9
 recognition as intentional act under,
 198–202
 restrictive immunity doctrine and,
 187–8
 State complicity with corporate
 human rights breaches and,
 321–4

- state immunity principles and, 182–7n52, 188
- Turkish occupation of Cyprus and, 67–70
- European Court of Justice
 - European Community legal order and, 99–105
 - law of recognition and, 177–9
 - national courts and, 90–3
- European Union
 - allocation of competences and external relations of, 407–11
 - Anastasiou* case and, 177–9
 - Canadian asbestos dispute and, 81
 - disclaimers in state recognition by, 205–6
 - Eritrea recognition by, 192–6
 - exclusive competence regarding international agreements, 407–9
 - external relations of, 406–20
 - future challenges in external relations of, 419–20
 - international organisations and position of, 411–12
 - investment treaty claims and, 90–3
 - Kosovo intervention and, 161–6
 - Member States' compliance with law of, 414–15
 - Member States' international agreements and, 409–11
 - need for coordination in, 413
 - postal services in, 415–17
 - recognition of Kosovo by, 192–6
 - recognition of South Sudan by, 196–8
 - representation of, in international institutions, 412–13
 - telecommunications regulations in, 417–19
 - USU Target System of Terminal Dues and, 415–17
- Eurotunnel dispute
 - applicable law and jurisdiction in, 426–7
 - claimants' position in, 427–8
 - damage determination in, 439
 - facts and background on, 422–3
 - failure to protect against incursions in, 432–4
 - favouritism towards SNCF and Port of Calais in, 434
 - Invitation to Promoters in, 429–32
 - joint and several responsibility findings in, 427–32
 - legacy of, 439–41
 - legal claims in, 425–6
 - Millett dissent in, 436–8
 - partial award in, 426–36, 439
 - respondents' position in, 428
 - Sangatte claim findings in, 432–5
 - shared responsibility in, 434–5, 436–8
 - Tribunal's analysis in, 429–32
- EU-US Transatlantic Trade and Investment Partnership, 90–3
- Evans, Gareth, 40
- Exclusive Economic Zones (EEZs)
 - Colombian-Nicaraguan boundary dispute and, 267–70
 - Senkaku/Diaoyudao Islands dispute and, 128–30
- 'Exit' and 'Voice' dichotomy
 - case law on investment treaties, comparative law perspective, 105–8
 - comparative law approach and, 109
- European Community legal order and, 99–105
- in investment treaties, 93–5
- U.S. civil rights litigation and international law and, 95–9
- experts, enhanced role of, regime interaction and, 82–3
- extraterritoriality
 - 'exceptional' nature of in human rights law, 65–7
 - of free-standing obligations in treaties, ICJ affirmation of, 63–5
 - human rights law in context of, 51–4
 - of jurisdiction, ICJ ruling on, 60–3
 - 'legal space' concept and, 67–70
 - treaty law framework on, 54–6

- Factory at Chorzów* case, State responsibility in, 292–6, 296n44
- factual exceptionalism
Banković case and, 65–7
 third party countermeasures and, 356–60
- failed states
 UN Security Council intervention in, 155–6
 Western Sahara territorial disposition states and concept of, 161
- Fayt, Carlos, 90–3
- Federal Court of Australia, 114–17
- Federal Republic of Yugoslavia (FRY), 161–6
 recognition of Bosnia-Herzegovina by, 196–8
 state continuity and succession and dismantling of, 279–83
- Federated States of Micronesia, 155–6
- Finland, Palestine statehood supported by, 239–42
- Firearms Act of 1968 (United Kingdom), 315–21
- fisheries law
 Arctic sovereignty issues and, 118–21
 Barbados maritime boundary dispute and, 265
 comparison of ICJ/PCIJ jurisprudence on, 302–3
 regime interaction and, 71–3, 77, 88–9
 Senkaku/Diaoyudao Islands dispute and, 128–30
 State responsibility and, 303n72
- flag States
 firearms regulations, privately contracted armed security personnel compliance with, 315–21
 responsibilities, PCASP protection and, 315–21
- Food and Agriculture Organisation (FAO)
 accountability to sovereign states of, 84
- EU membership in, 411–12
 experts' role in, 82–3
 regime interaction and, 80
- forceful intervention. *See also* responsibility to protect (R2P); unilateral intervention
 in Kosovo, 161–6
 regime change and, 166–70
 third party countermeasures and, 341, 360–2
 Western Sahara territorial disposition states and issue of, 161
- foreign policy issues, third party countermeasures and, 350
- foreign state immunity, Crawford's work on, xvi–xvii
- Forest Carbon Partnership Facility (World Bank), 81, 81n56
- Fortier, L. Yves, 426
- fourteenth amendment (U.S. Constitution), international law and, 95–9
- Fragd* decision, European Community legal order and, 99–105
- fragmentation of international law
 norm conflicts and, 71–3
 regime interaction and, 71–89
- France
 Antarctic sovereignty and, 114–17
 European Community legal order and, 99–105
 Eurotunnel dispute and, 421–41
 Geneva Agreements of 20 July 1954 and, 202–4
 intervention in Côte d'Ivoire and, 169–70
 partition of Cameroon and, 262–4
 recognition of Serbia by, 192–6
SS Lotus Case (France v. Turkey) and, 80n51
 Syrian chemical weapons attack and, 38–9, 347–51
 Syrian weapons shipments and, 44–6
 third party countermeasures and, 352–6

- Turkish negligent navigation prosecution against, 310–15
- Vessel Protection Detachments for piracy defence from, 310–15
- Western Sahara territorial disposition states and, 161
- France-Manche S.A., 422–3
 - Sangatte migrants and, 425–6
- Frente Polisario*, 157–61
- “Friends of the Syrian People International Working Group on Sanctions”, 347–51
- frontier controls, in Eurotunnel dispute, 432–4
- Frontini* case, European Community legal order and, 99–105
- functional immunity, piracy defence and issues of, 310–15

- Gabčíkovo Nagymaros* judgment, 297–301
- Gaddafi, Muammar, 34–5n51, 36
- Gaelic language protections, European Community legal order and, 99–105
- Gbagbo Laurent (President), 169–70
- General Agreement on Trade and Services (GATS), 365–9
- Geneva Additional Protocol I collateral damage in, 325–7
 - qualifying words pertaining to collateral civilian damage in, 327–9
- Geneva Agreements of 20 July 1954, 202–4
- geopolitics, UN Security Council and, 155–6
- Georgia, Palestinian statehood supported by, 236–9
- Georgia, Russian invasion of, 31n34, 51–4, 56–8
- Georgia v. Russia*, 51–4
 - ‘free-standing’ approach in, 63–5
 - ‘legal space’ concept and, 67–70
- German classical school, statehood theory and, 172
- Germany
 - colonisation of Cameroon by, 262–4
 - European Community legal order and, 99–105
 - investment treaty claims in, 396n23
 - neutrality concerning Palestinian statehood, 241–2
 - third party countermeasures and, 343–7
 - The Wimbeldon* case, 149–50
 - Germany v. Italy* case, 187–8
- Ghana, *ARA Libertad* case and, 389–91
- Gladstone, W. E., xiv
- global environmental issues, normative conflicts over, 71–3
- globalisation, sovereignty demands and, 78–84
- Goff, Lord, 182–8
- good faith obligation, in public law, 107–8
- governmental authority
 - law of immunity and test of, 188–90
 - law of state responsibility and, 179–82
 - Palestinian statehood and principle of, 236–9
 - public body concept and, 365–9, 381–3
 - restrictive immunity doctrine and, 182–8
 - statehood dynamics and, 173–7, 188–90
- governmental liability doctrine, European Community legal order and, 99–105
- Granital* decision, European Community legal order and, 99–105
- Greece
 - Don Pacifico* affair in, 341
 - EU compliance by, 414–15
 - International Maritime Organization and, 409
 - recognition of Macedonia by, 196–8
- ‘Green March’ (Morocco), 157–61
- Groener* decision, European Community legal order and, 99–105

- Grotius, Hugo, 172
- Group of 77, Kosovo air strikes
opposed by, 26–7
- Group of 77 states
international legal order and, 141–3
opposition to humanitarian
intervention among, 26–7
- ‘Group of Friends of the Syrian People’,
347–51
- Guantanamo Bay detentions, legal
black hole cliché and, 18–20
- The Guardian*, 45–6
- investment treaty claims in, 90–3
- Guatemala, *uti possidetis/uti possidetis
juris* principle and, 254n24
- Guilfoyle, Douglas, 307–24
- Guillaume, Gilbert, 426
- Guinea Bissau/Senegal* case, 249–50,
257n33, 270–2
- Gulf of Fonseca, maritime boundary
dispute concerning, 258–9, 260–2
- Gumplowicz, Ludwig, 175–6
- ‘gunboat diplomacy’, third party
countermeasures and, 341
- Hague, William, 44–5
- The Hague Academy, Crawford’s
courses at, xxi–xxii
- The Hague Agreement, 213–15
- The Hague Regulations of 1907,
responsibility to protect and,
34–6
- Haiti, UN Security Council
intervention in, 166–70
- Hale, Brenda Lady, 63–5
- Haltern, Ulrich, 105
- Hammerskjöld, Åke, 149
- Han-key Lee, 141–3
- Hans Island, Arctic sovereignty issues
over, 118–21
- Happy Days*, 14, 17–18
- Heard Island (Australia), 114–17
- Hegelian philosophy
East Asian sovereignty in context of,
139–41
state continuity and succession and,
277–9
- Henkin, Louis, 17
- Hesperides* case, 177–9
- High Risk Area
Privately Contracted Armed
Security Personnel protection in,
315–21
- ‘hinterland’ principle, polar
sovereignty and, 111–14
- historic title principle
Chinese position on
Senkaku/Diaoyudao dispute and,
131–3
critique of Chinese claims in
Senkaku/Diaoyudao Islands claim
based on, 134–6
Japanese position in
Senkaku/Diaoyudao Islands
claims and, 133–4
- Hollande, François, 39
- Holtendorff, E. von, 344
- Holy See, statehood status for,
241–2
- Honduras
Gulf of Fonseca boundary dispute
and, 258–9, 260–2
Nicaraguan boundary dispute with,
265–7
- Horn of Africa, piracy cases and ‘legal
space’ concept and, 67–70
- Huber, Max, 111–14, 144–5,
149
- Humane Society International (HSI),
114–17
- Human Rights Advisory Panel, Kosovo
human rights violations and,
161–6
- human rights law
‘exceptional’ nature of
extraterritoriality and, 65–7
extraterritoriality and, 51–4
investment treaties and, 90–3
Kosovo violations of, 161–6
‘legal space’ concept in, 67–70
NGO involvement in, 73–8
nonratification by U.S. of human
rights treaties, 90–3, 95–9
normative conflicts over, 71–3
State complicity with corporate
human rights breaches and,
321–4
territorial control and, 58–60

- UN Security Council powers concerning, 24–5
- Ilaşcu* case, State complicity with corporate human rights breaches and, 321–4
- Ilulissat Declaration, 121–4
- immigrant issues, Eurotunnel dispute and, 425–6
- Imperial Map of Native and Foreign Lands (*Huangchao Zhongwai Yitong Yutu*), 131–3
- imputation theory, statehood dynamics and, 173–7
- inclusio unius, exclusio alterius* principle, self-determination in West Papua and, 224–7
- independence
 - Kosovo intervention and establishment of, 161–6
 - legal characteristics of states and, 145–7
 - Permanent Court of International Justice and, 147–9
 - self-determination in West Papua and, 210–13, 224–7
 - uti possidetis* principle in Africa and, 252–8, 262–4
- India
 - Enrica Lexie* incident and, 307–8, 310–15
 - recognition of South Sudan by, 196–8
- Indian Penal Code, *Enrica Lexie* incident and, 310–15
- indigenous rights
 - legal framework for, 88
 - regime interaction with institutions for, 73–8
 - West New Guinea decolonisation and, 213–15
- individual criminal responsibility
 - collateral civilian casualties and, 325–7
 - threshold for, in collateral damage rulings, 329–30
- individual liability, Eurotunnel dispute and, 427–8
- Indonesia
 - independence of, 213–15
 - invasion of East Timor by, 227–8
 - Soviet arms shipments to, 217–19
 - West Papua incorporation into, 209–28
 - West Papua nationalism and, 215–16
- Indonesian Communist Party, 217–19
- in dubio pro libertate* principle, independence vs. sovereignty and, 147–9
- ‘inherent territory’ principle, Chinese position on Senkaku/Diaoyudao dispute and, 131–3
- In Larger Freedom* (Annan), 32–3
- In re Gilbert*, 310–15
- Institut de Droit International, 198–202, 204–5
 - Crawford’s presence at, xviii, xx–xxv
 - third party countermeasures and, 347–51, 356–60
- insult, cliché as expression of, 4–5
- integration, self-determination in West Papua and, 224–7
- intent
 - in piracy defence, State responsibility and immunity and, 310–15
 - state recognition and element of, 198–202
- Inter-American Commission on Human Rights
 - ‘exceptionalism’ of extraterritoriality and, 65–7
 - extraterritoriality and, 54–7
 - Haitian intervention and, 166–70
 - jurisdiction in, 60–5
- Inter-American Declaration of the Rights and Duties of Man
 - extraterritoriality and, 54–6
 - jurisdiction in, 60–5
- Intergovernmental Commission (IGC), in Eurotunnel dispute, 422–3, 429–34

- inter-governmental organisations (IGOs)
 accountability and assessment of, 84
 regime interaction and, 73–8, 81–2
- Interim Accord of 13 September 1995, 196–8
- Interim Agreement between Israel and the PLO, 239–42
- international armed conflict collateral civilian casualties and, 325–7
- International Association of Machinists and Aerospace Workers v. OPEC*, 182–8
- International Coalition for the Responsibility to Protect, 49n110
- International Code of Conduct for Private Security Services Providers (ICoC), 315–21
- International Commission on Intervention and State Sovereignty (ICISS)
 Constitutive Act of the African Union and, 29–30
 responsibility to protect and, 28–9, 32–3, 41–2, 48–50
- International Committee of the Red Cross
Customary IHL Study, 327–9
- International Committee of the Red Cross and Crescent (CRC), collateral civilian damage qualifications and, 327–9
- International Committee on Economic, Social and Cultural Rights (ICESCR)
 ‘exceptional’ nature of extraterritoriality and, 65–7
Wall Advisory Opinion and, 63–5
- International Court of Justice (ICJ)
Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo opinion, 273–7
 affirmation of extraterritorial ‘jurisdiction’ by, 60–3
Case Concerning the land and maritime boundary between Cameroon and Nigeria, Equatorial Guinea Intervening, 262–4
 comparison of Permanent Court of International Justice with, 302–3
Corfu Channel Case, 47–8
 East Timor self-determination opinions and, 227–8
 ‘exceptional’ nature of extraterritoriality in human rights law and, 65–7
 extraterritoriality applicability in rulings by, 56–8, 59–60n22
 free-standing obligations in treaties, extraterritoriality in, 63–5
 human rights cases before, 51–4
 ICL collaboration with, on State responsibility, 297–301
 impact on international human rights law of, 70
 implied powers of international institutions and, 81–2
 investment claim countermeasures and, 389–91
 investment treaty law and, 107–8
 Kosovo independence and, 161–6
Land, Island and Maritime Frontier Dispute, 260–2
Namibia Advisory Opinion, 58–60, 177–9
Nicaragua Case, 40n72, 41–2
 normative principles of State responsibility and, 288–91
Nuclear Weapons opinion of, 147–9
 on-going codification by, 305
 polar sovereignty issues and, 110–11
 primary and secondary rules of military necessity and, 337–8
 regime theory and practices of, 73–8
 restrictive immunity doctrine and, 187–8
 State actors in non-sovereign territory of treaty parties, treaty obligations in, 67–70

- statehood recognition and, 192–6
- state recognition in opinions of, 198–202, 204–5
- State responsibility and
 - jurisprudence of, 287–8, 297–305
- State responsibility in piracy defence and, 315–21
- third party countermeasures and, 356–60
- treaty law framework for
 - extraterritoriality and, 54–6
- uti possidetis* principle and, 249–50, 255–8, 270–2
- Western Sahara territorial disposition and, 157–61
- WTO Appellate Body's interpretation of 'public body' concept and, 369–73
- International Covenant on Civil and Political Rights (ICCPR)
 - 'exceptional' nature of
 - extraterritoriality and, 65–7
 - extraterritoriality and, 54–8, 60–3
 - U.S. ratification of, 95–9
- International Covenant on Economic, Social and Cultural Rights (ICESCR), 54–6, 60–5
- International Criminal Court (ICC)
 - collateral civilian casualties and, 325–7, 339
 - Palestinian statehood and, 242–6
 - qualifying words pertaining to collateral civilian damage and, 327–9
 - state *vs.* individual responsibility thresholds for collateral damage and, 329–30
- international criminal law
 - Brussels Convention rules on criminal jurisdiction over collisions and, 310–15
 - collateral civilian casualties and, 325–7
 - State responsibility and, 297–301
 - state *vs.* individual responsibility thresholds for collateral damage and, 329–30
- International Criminal Tribunal for the Former Yugoslavia, 33–34n45, 297–301
 - binary analytic mindset concerning collateral damage in, 331
 - military necessity principle and, 332–7
- international criminal tribunals, national legal systems and, 161–6
- international humanitarian law
 - binary analytic mindset concerning, 331
 - collateral civilian casualties and, 339
 - collateral civilian damage and, 327–9
 - military necessity principle and, 332
 - primary and secondary rules of military necessity and, 337–8
 - specific rules of military necessity and, 332–7
 - state *vs.* individual responsibility thresholds for collateral damage and, 329–30
- international human rights
 - instruments
 - extraterritoriality and, 54–6, 63–5
 - ICJ rulings and, 60–3
- international institutions
 - EU position in, 411–12
 - implied powers of, 81–2
 - investment treaties and, 90–3
 - legal framework for, 84
 - observer status for, 80
 - Palestinian statehood question and admission to, 245–6
 - regime interaction and, 73–8
 - 'regimes' of, 73–5n14, 78
 - representation of EU in, 412–13
 - third party countermeasures and, 342–3
- International Labour Organisation, EU Member States' international agreements and, 409–11
- international law. *See also* treaty law
 - Chinese ascendancy and, 137–8, 141–3

- international law (*cont.*)
- Chinese claims in
 - Senkaku/Diaoyudao Islands dispute and, 134–6, 139–141n46
 - clichés in, 7–14
 - collateral damage in, 325–7
 - Crawford's democratisation efforts in, 93–5
 - Crawford/s influence in, xx–xxv
 - in Eurotunnel dispute, 426–7
 - evolution and adaptation of, 88–9
 - extraterritorial applications of
 - human rights law and, 51–4
 - fragmentation of, 71–89
 - independence principle in, 147–9
 - investment claim countermeasures and, 389–91
 - investment treaties and, 90–3
 - Japanese Senkaku/Diaoyudao Islands claims and, 136–7, 139–141n46
 - law of recognition and, 192–6, 204–5
 - legal characteristics of states in, 145–7
 - Palestinian statehood and, 229–31
 - palimpsestic reconstruction in, 139–41
 - Permanent Court of International Justice rulings and, 151–2
 - piracy and, 307–8
 - polar sovereignty and, 121–4
 - privately contracted armed security personnel protection and, 315–21
 - 'regimes' of, 73–5n14, 78
 - regime theory and, 73–8
 - responsibility to protect and, 23–50
 - rise of China in, 126–8
 - rousing of clichés in, 15–21
 - rules on interpretation of UNGA resolutions and, 234–42
 - safety on merchant vessels and, 315–21
 - self-determination in, 210–13
 - sovereignty demands and, 79–80, 84
 - state continuity and succession and, 273–84
 - statehood dynamics and, 173–7
 - state immunity in, 182–8
 - State responsibility and, 288–9n9, 291, 302n67
 - territorial disposition by UN Security Council and, 156–66
 - third party countermeasures and, 343–51, 356–60
 - uti possidetis* principle and, 248–52
 - visual clichés in, 9–10, 20–1
 - West Papuan self-determination and violations of, 227–8
- International Law as an Open System* (Crawford), 389–91
- International Law Commission (ILC)
- Articles on Responsibility of States for Internationally Wrongful Acts
 - limits on military necessity and, 334–7
 - Articles on State Responsibility, 47–8, 173–82, 188–90, 288–91
 - consequences of breach of State responsibility, 393–4
 - defence against piracy and, 308–9
 - Draft Articles on Diplomatic Protection, 391–3
 - fragmentation of international law and, 71–3
 - Guiding Principles on statehood and, 234–42
 - on humanitarian law, 336n53
 - ICJ collaboration with, on State responsibility, 297–301, 304–5
 - investment claim countermeasures and, 389–91
 - law of recognition and opinions of, 198–202, 203, 204–5
 - 'master plan' for State responsibility of, 292, 297
 - mixed multi-party disputes and, 421–2
 - Namibia* exception and, 177–9
 - public body concept and, 365–9
 - relevance to SCM Agreement of, 375–83
 - 'special regimes' concept and, 73–8
 - on State responsibility, 287–8

- State responsibility to investment
treaty claims and, 391–4
status of articles on ‘public body’,
383–7
third party countermeasures and,
340–1, 343–7, 352–60, 396–7
*U.S.-Antidumping and
Countervailing Duties* (China)
and, 363–4
WTO Appellate Body’s
interpretation of ‘public body’
concept and, 369–73
*International Law Commission
Commentary*, Articles on
Responsibility of States for
Internationally Wrongful Acts
limits on military necessity and,
334–7
international legal system,
responsibility to protect and,
48–50
International Maritime Organization
(IMO)
Court of Justice of the European
Union and, 409
Guidance to Shipowners by, 315–21
guidelines for PCASP from, 315–21
international relations scholarship
on Chinese-U.S. relations, 126–8
European Union external
relationships and, 406–7
Palestinian statehood and,
229n3
regime interaction in, 73–8
rise of China in, 126–8
Senkaku/Diaoyudao Islands dispute
and, 139–41
international responsibility, investment
treaty claims and, 391–4
international security, Western Sahara
territorial disposition states and
concept of, 161
International Standards Organisation
(ISO), PCASP certification and,
315–21
International Telecommunications
Regulations (EU), 417–19
International Telecommunication
Union (ITU), 417–19
international terrorism
definitions of, 162n46
Kosovo and, 161–6
Western Sahara territorial
disposition and, 157–61
international trade
human rights institutions and,
73–8
regime for, 73–8
International Tribunal for the Law of
the Sea, State responsibility in
piracy defence and,
315–21
internet, International
Telecommunication Regulations
and, 417–19
inter-regime scrutiny, regime
interaction and, 84
inter-State proceedings
ADM v. Mexico investment claims
and, 398–9
investment claim countermeasures
and, 389–91
intervention. *See* forceful intervention
intra-regime interaction, institutional
organisations and, 73–8
investment arbitration tribunals,
investment treaty case law and,
105–8
investment treaties
case law, comparative law
perspective on, 105–8
countermeasures in investment
claims and, 394–404
exit/voice dichotomy in, 93–5
ICSID Convention and, 90–3
legitimacy of, 90–109
NAFTA-based investment treaty
claims and, 397–404
State responsibility concerning
claims, ILC applicability in,
391–4
third party countermeasures in
claims against, 396–7
Ionesco, Eugene, 14
Iran–US Claims Tribunal, investment
treaty law and, 107–8
Iraq, third party countermeasures and,
352–6

- Iraq War, responsibility to protect and, 30–1
- Ireland, European Community legal order and Gaelic language protection in, 99–105
- Island of Palmas* Arbitration, 111–14, 139–141n46
- Israel
- Eichmann trial and, 47–8
 - ICJ on jurisdiction of, 60–3
 - ‘legal space’ concept and Palestinian occupation, 67–70
 - military necessity claims and collateral damage by, 338n59
 - occupation of Palestinian Territories by, 56–8, 60–3
 - Palestinian statehood resolutions and, 233–234n16, 236–9
 - rejection of extraterritoriality rulings by, 56–8
 - Vessel Protection Detachments for piracy defence from, 310–15
 - Wall* Advisory Opinion and, 63–5
- Italian Constitutional Court, European Community legal order and, 99–105
- Italy
- Enrica Lexie* incident and, 307–8, 310–15
 - European Community legal order and, 99–105
 - Palestinian statehood supported by, 244n72
 - Vessel Protection Detachments for piracy defence from, 310–15
- Jamaica, Palestine statehood opposed by, 241–2
- Japan
- Antarctic sovereignty and, 114–17
 - European law and Senkaku/Diaoyudao Islands claims, 141–3
 - functional immunity case against U.S. in, 310–15
 - history of Senkaku/Diaoyudao Islands ownership and, 128–30
 - overview of Senkaku/Diaoyudao claims, 133–4
 - Palestinian statehood supported by, 239–42
 - polar sovereignty issues and, 110–11
 - postwar economic and financial rise of, 141–3
 - recognition of South Sudan by, 196–8
 - Senkaku/Diaoyudao Islands dispute with China and, 126–8
 - Japan v. Girard*, 310–15
 - Jellinek, Georg, 172
 - Jennings, Robert (Sir), 198–202
 - Jessup, Philip, 174–5
 - Johns, Fleur, 18–20
 - Johnson, D. H. N., xviii
 - ‘Joint and Several Responsibility’ Eurotunnel dispute and, 427–32
 - reciprocity in, 435–6
 - joint liability, Eurotunnel dispute and, 427–8
 - joint statements, third party countermeasures and, 356–60
 - Jones and Others v. UK*, 187n52, 188
 - Jordan, third party countermeasures and, 352–6
 - Joyce, James, 14
 - jure gestionis*, maritime law and piracy defence and, 310–15
 - jure imperii*
 - maritime law and piracy defence and, 310–15
 - state immunity and, 188–90 - jurisdiction
 - in ECHR, 58–60
 - in Eurotunnel dispute, 426–7
 - ‘exceptional’ nature of, 65–7
 - extraterritoriality and, 54–6, 58, 60–3
 - free-standing obligations in treaties, ICJ affirmation of, 63–5
 - ‘legal space’ concept and, 67–70
 - in *Namibia* Advisory Opinion, 58–60 - Jurisdiction of Courts of Danzig* opinion, 151–2

- jus ad bellum*, primary and secondary rules of military necessity and, 337–8
- jus cogens* principle
responsibility to protect and, 40–50
State responsibility and, 297–301
weapons shipments and, 45–6
- jus in bello*, primary and secondary rules of military necessity and, 337–8
- justice, visual clichés of, 10
- Kelsen, Hans, 173–7, 231–4
- Kennedy, David, 17–18
- Kerry, John (Secretary of State), 39
- Kibris Turk Hava Yollari v. Secretary of State for Transport*, 177–9
- Kirby, Michael, xvi
- Kissinger, Henry, 126–8
- Kompetenz-Kompetenz* problem, European Community legal order and, 99–105
- Korean War, UN Security Council powers during, 24–5
- Koskenniemi, Martti, 71–3, 90–3
- Kosovo
humanitarian crisis in, 26–7n16, 27n17
international recognition of, 198–202, 206–7
regime change and crisis in, 166–70
state continuity and succession in, 273–7
statehood recognition and advisory proceedings on, 192–6
territorial disposition in, 161–6
- Kosovo Advisory Opinion*, 198–202
- Krabbe, Hugo, 173–7
- Kriegsraison geht vor Kriegsmanier* doctrine, military necessity principle and, 332–7
- Krupp* case, military necessity principle and, 332–7
- Kuwait Air Co.* case, 182–90
- Kuwali, Dan, 29–30
- Kyodo Senpaku Kaisha, 114–17
- Laband, Paul, 172
- la conscience juridique*, Schachter's concept of, 15
- LaGrand* opinion, 151–2
- Land, Island and Maritime Frontier Dispute*, 260–2, 265, 267–72
- Latin America
competing colonial interpretations
uti possidetis in, 252–8
early maritime boundary disputes in, 258–70
Honduran-Nicaraguan boundary dispute and decolonisation in, 265–7
origins of *uti possidetis* principle in, 250–2
third party countermeasures in, 341
- Lauterpacht, Hersch, 277–9
- Lauterpacht Research Centre on International Law, 51–4
Crawford at, xx–xxv
- Lavrov, Sergey, 31n34
- law of collective security, third party countermeasures and, 352–6
- law of countermeasures, third party countermeasures and, 352–6
- law of occupation, 'legal space' concept and, 67–70
- law of the sea
international regime for, 73–8
uti possidetis principle and maritime boundary disputes, 248–52
- League of Arab States, Syrian suspension from, 347–51
- legal black hole, cliché of, 18–20
- legal characteristics of states, 144–52
basic principles, 145–7
independence *vs.* sovereignty and, 147–9
international/national divide concerning, 151–2
Permanent Court of International Justice sovereignty rulings and, 149–50
statehood dynamics and, 173–7
- Legal Counsel of the UN, 157–61
- legal fictions, statehood dynamics and, 173–7

- legal personality principle, state continuity and succession and, 273–7
- legal sovereignty, statehood dynamics and, 173–7
- ‘legal space’ concept, human rights obligations and, 67–70
- legitimacy
of European Community legal order, 99–105
‘Exit’ and ‘Voice’ dichotomy in investment treaties and, 93–5
of investment treaties, 90–109
of non-state actors, sovereignty demands and, 84
- Leigh, Monroe, 90–3
- lex generalis*, primary and secondary rules of military necessity and, 337–8
- lex horrenda* principle, third party countermeasures and, 343–7
- lex specialis*
Eurotunnel dispute and, 436
mixed multi-party disputes and, 421–2
NAFTA investment treaty claims and, 397–404
primary and secondary rules of military necessity and, 337–8
public body concept and, 365–9, 371–3
regime theory and, 73–8
State responsibility concerning investment treaty claims and, 391–3
- Liberia, ECOWAS intervention in, 47–8
- Libya
arms embargo in, 43–4
humanitarian crisis in, 34–6, 36n56
no-fly zone established in, 37–8
- Lisbon Treaty
EU Member States’ international agreements and, 409–11
European Union external relationships and, 406–7
- Loizidou* case, State complicity with corporate human rights breaches and, 321–4
- loss, cliché as expression of, 4–5
- The Lotus* case, 147–9, 302–3, 303n72
piracy defence and rulings of, 310–15
- Maastricht* judgment (German Constitutional Court), European Community legal order and, 99–105
- Mabo* case, xvii–xviii
- Macedonia, international recognition of, 196–8, 205–6
- Macquarie Island (Australia), 114–17
- Maine, Henry Sir, 173–7
- Malay Indonesians, rights of, 213–15
- Mali, Western Sahara territorial disposition states and, 161
- maritime law
Arctic sovereignty issues and, 118–21
Barbados maritime boundary dispute and, 265
Beagle Channel arbitration, 259–60
Brussels Convention rules on criminal jurisdiction over collisions and, 310–15
Cameroon-Nigerian boundary dispute and, 262–4
Colombian-Nicaraguan boundary dispute and, 267–70
Gulf of Fonseca boundary dispute and, 258–9
Honduran-Nicaraguan boundary dispute and, 265–7
piracy defence and, 310–15
polar sovereignty and, 124–5
State responsibility under, 315–24
uti possidetis principle in maritime boundary dispute resolution, 255–8, 270–2
- Martin, Paul, 31–2
- Mawson, Douglas (Sir), 114–17
- McCorquodale, Robert, 321–4
- McDonald Island (Australia), 114–17
- McEwen, A. C., 256n32, 271

- McLuhan, Marshall, 13–14
- Mediterranean high seas,
 migration-related cases and ‘legal space’ concept and, 67–70
- Meetings of the Parties (MoPs),
 State responsibility law and, 304–5
- Medhi, Rostane, 250–2
- Melanesian West Papuans, rights of, 213–15
- mens rea*, collateral civilian casualties and, 325–7
- metaphors, clichés and, 12–13
- Mexico, NAFTA investment treaty claim countermeasures and, 397–404
- migration-related cases, ‘legal space’ concept and, 67–70
- military necessity
 Articles on Responsibility of States for Internationally Wrongful Acts limits on, 334–7
 collateral damage and concept of, 332
 primary and secondary rules of, 337–8
 special rules for incorporation of, 332–7
- Millet, Lord, 426, 436–8
- Milošević, Slobodan, 162n47
- Ming Dynasty, history of
 Senkaku/Diaoyudao Islands ownership and, 128–30
- minimum regime concept, State responsibility and PCASP protection and, 315–21
- MINURSO, 157–61. *See* United Nations Mission for the Referendum in Western Sahara
- MINUSTAH, 166–70. *See* United Nations Stabilisation Mission in Haiti
- mistaken of self-defence, piracy protection and, 310–15
- mitigation, responsibility to protect role in, 47–8
- mixed multi-party disputes, State responsibility in, 421–41
- modern laws, of State responsibility, 291–301
- Mongolia, third party countermeasures and, 345n29
- monism, statehood dynamics and, 174–5
- monopolies of rights and
 representation, regime interaction and, 83–4
- Montevideo Convention, recognition of states under, 198–202
- Morocco, ‘Green March’ into Western Sahara by, 157–61
- multilateral treaties. *See also* treaty law
 impact on internal law of, 95–9
 UN General Assembly resolutions and, 242–6
- multinational naval deployment,
 piracy and, 307–8
- Musil, Robert, 9–10
- musyawarah* practices, 224n59, 227
 West Papua self-determination and, 218, 219–20
- Namba v. McCourt*, 95–9
- Namibia Advisory Opinion*, 51–4
 law of recognition and, 177–9
 legacy for human rights law of, 70
 South African obligations in, 56–8
 spatial and territorial definitions in, 60–3
 territorial control *vs.* sovereignty in, 58–60
- Nansei Shoto Islands, Japanese
 Senkaku/Diaoyudao claims and, 136–7
- National Aeronautics and Space Administration (NASA), black holes explained by, 18–20
- national constitutional standards,
 international law and, 93–5
- nationalism, growth in West Papua of, 215–16
- Nationality Decrees* opinion, 147–9
- national law
 European Community legal order and, 105
 in Eurotunnel dispute, 426–7

- national law (*cont.*)
- international law and, 93–5
 - international law and rule of irrelevance of, 161–6
 - legal characteristics of states and, 145–7
 - Permanent Court of International Justice rulings and, 151–2
 - pre-emption interpretation of, 99–105
 - restrictive immunity doctrine and, 182–8
 - rule of irrelevance and, 93–5
 - sovereignty and regime interaction and, 80n50
 - statehood recognition and, 192–6
 - U.S. civil rights litigation and international law and, 95–9
- Naulilaa* case, 356–60
- nemo dat* principle, *uti possidetis* principle and, 255–8
- neo-liberal capitalism, democratisation and, 166–70
- Nervo, Padilla, 341
- Nesi, Giuseppe, 250–2
- Netherlands
- Indonesian independence and, 217–19, 221–7
 - West New Guinea decolonisation and, 213–14n14, 215–16
- Netherlands School of Human Rights research, 15–17
- New York Agreement* on West Papua, 217–19, 221–7
- New York Times*, 45–6
- New Zealand
- Antarctic sovereignty and, 114–17, 121–4
 - Palestine statehood supported by, 239–42
- Ng, Angie, 213–15
- Nicaragua
- Colombian boundary dispute with, 267–70
 - Gulf of Fonseca boundary dispute and, 258–9, 260–2
 - Honduran boundary dispute with, 265–7
 - Nicaragua* Case, 40n72, 41–2
- Nigeria
- Cameroon boundary dispute with, 262–4
 - restrictive immunity doctrine and, 186–7
 - third party countermeasures and, 350–1
- non-forcible countermeasures, investment treaty claims and, 395–6
- nongovernmental organisations (NGOs)
- accountability and assessment of, 84
 - Antarctic sovereignty and, 114–17
 - legal framework for, 84
 - regime interaction and, 73–8
- non-intervention principle, Permanent Court of International Justice and, 147–9
- non-member observer state status in UN, Palestinian statehood and, 236–9, 242
- non-recognition of states, obligations concerning, 207–8
- non-self-executing treaties, Bricker Amendment for, 95–9
- non-self-governing territories, decolonisation and, 221–2n50, 227
- non-state entities
- governmental authority test and, 188–90
 - investment claim countermeasures and, 389–91
 - law of state responsibility and, 179–82
 - legal framework for, 84
 - Permanent Court of International Justice rulings and, 151–2
 - regime interaction and, 73–8
 - sovereignty demands and, 78–84
 - State responsibility for, 315–21
- normative principles
- Chinese Senkaku/Diaoyudao claims and, 134–6, 138–9

- fragmentation of international law and, 71–3
- IILC/ICJ collaboration on State responsibility and, 297–301
- Japanese Senkaku/Diaoyudao claims and, 136–7
- legal framework for non-state actors and, 84
- regime interaction and, 73–8
- in Senkaku/Diaoyudao dispute, 131–3
- State responsibility and, 288–91
- territorial claims and, 138–9
- third party countermeasures and, 343–7
- norm entrepreneurship, responsibility to protect and, 23, 40, 48–50
- North African states, migration-related cases and ‘legal space’ concept and, 67–70
- North American Free Trade Agreement (NAFTA)
- Chapter 11 investment protections in, 90–3
- investment claim countermeasures and, 389–91, 397–404, 405
- United Postal Service of America Inc (UPS) v. Canada* and, 179–82
- North Atlantic Treaty Organization (NATO)
- Banković* case and, 65–7
- Bosnian air strikes and, 25–6
- Kosovo air strikes and, 26–7, 161–6
- Libyan campaign of, 36–40
- post-Cold War spending reductions and, 41–2
- Serbian air strikes by, 331, 338n61
- Northern Sea Route, Arctic sovereignty issues and, 118–21
- Northwest Passage
- Arctic sovereignty issues and, 118n45, 121
- polar sovereignty issues and, 110–11, 118–21
- Norway
- Arctic sovereignty issues and, 118–24
- law of recognition and, 192–6
- Nuclear Tests* cases, state recognition in, 198–202
- nuclear weapons legality, implied powers rulings concerning, 81–2
- Nuclear Weapons* opinion, 147–9
- nulla poena sine lege*, state vs. individual responsibility thresholds for collateral damage and, 329–30
- nullum crimen sine lege* principle, 329–30
- Obama, Barack, Syrian policies of, 44–6
- objective statehood principle
- collateral civilian casualties and, 325–7
- Palestinian statehood and, 231–4
- observer status
- of European Union, 412–13
- state consent to non-member observer status, 80
- O’Connell, D. P., xv
- Okinawa Revision Agreement, 129–130n16
- Olbrechts-Tyteca, Lucie, 13–14
- Operation Uphold Democracy (Haiti), 166–70
- opinio juris sive necessitates*
- responsibility to protect and, 41–2
- State responsibility in piracy defence and, 315–21
- third party countermeasures and, 343–7, 350, 356–60
- weapons shipments and, 45–6
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict of 2000, 54–6
- Oregon Alien Land Law, international law and, 95–9
- Organisasi Papua Merdeka* (‘Free Papua Movement’) (OPM), 219–20
- Organisation of African Unity (OAU), 29–30, 157–61
- Orwell, George, 6–7, 11–12, 21
- Ouattara, Alassane (President), 169–70
- Oyama v. California*, 95–9

- Pahuja, Sundhya, 20–1
- Palestine Liberation Organisation (PLO), 236–9, 240, 242–6
- Palestinian Authority (PA), 236–9
- Palestinian Territories
- collective recognition of statehood under UN General Assembly Resolution 67/19, 234–42
 - consequences of Resolution 67/19 for statehood in, 242–6
 - Israeli occupation of, 56–8, 60–5
 - legacy of UN General Assembly Resolution 67/19 for, 246–7
 - ‘legal space’ concept and Israeli occupation of, 67–70
 - objective statehood principle and, 231–4
 - ‘permanent two-State solution’ and, 236–9
 - state recognition for, 229–47
 - textual interpretation of Resolution 67/19 concerning statehood for, 236–9
 - votes for statehood adoption, circumstances and explanations, 239–42
- palimpsestic reconstruction
- Chinese reascendancy and, 137–8
 - East Asian territorial sovereignty and, 126–8, 138–43
 - in Senkaku/Diaoyu Islands dispute, 139–41
- Palmerston (Lord), 341, 356–60
- Paraguay, *uti possidetis/uti possidetis juris* principle and, 254n24
- Paris Peace Conference of 1919, 221
- Partridge, Eric, 4–5, 8
- Paulsson, Jan, 426
- peaceful coexistence principle, Chinese ascendancy and, 141–3
- Peace Plan for Self-Determination of Western Sahara, 157–61
- Pellet, Alain, 198–202, 287–8
- Pemex* case, 182–8
- People’s Daily* (Chinese Communist Party newspaper), 133–4
- Percy, Sarah, 315–21
- Perelman, Chaim, 13–14
- perimeter guard cases, functional immunity in, 310–15
- Permanent Court of Arbitration (PCA), Eurotunnel dispute and, 425–6
- Permanent Court of International Justice (PCIJ)
- Arctic sovereignty rulings and, 118–21
 - comparison with ICJ, 302–3
 - Eastern Greenland* ruling, 111–14
 - foundational decisions on State responsibility by, 292–6
 - founding argument for sovereignty by, 80n51
 - independence and, 147–9
 - international/national divide and, 151–2
 - legal characteristics of states and rulings by, 144–52
 - normative principles of State responsibility and, 288–91
 - on-going codification by, 305
 - sovereignty principles and, 80n51, 149–50
 - State responsibility and jurisprudence of, 287–8, 294–295n36, 301–5
- ‘permanent two-State solution’, Palestinian statehood and, 236–9
- Peru, *uti possidetis/uti possidetis juris* principle and, 254n24
- Peters, Anne, 279–83
- The Philippine Admiral Case*, xvi–xvii
- Phillimore, Robert (Sir), 182–8
- Phillipson, Coleman, xv
- Phosphates in Morocco* case, 292–6
- Pinochet* case, restrictive immunity doctrine and, 187–8
- piracy
- defences against, 307–24
 - future challenges in defence against, 324
 - state responsibility and immunity issues and, 310–15
 - use of force against, 308–9

- plenary competence, legal
 characteristics of states and,
 145–7
- Poland
 investment treaty law and, 105–8
 Permanent Court of International
 Justice rulings and, 151–2
Rolimpex case and, 186–7
 state recognition of, 202–4
- polar sovereignty
 Antarctic sovereignty, 114–17
 Arctic sovereignty, 118–21
 basic principles of, 111–14
 contemporary challenges to, 121–4
 current issues in, 110–25
- Polish Nationals* case, 292–6
- ‘political question’ doctrine,
 non-self-executing treaties and,
 95–9
- political will
 investment treaties and, 90–3
 responsibility to protect and, 33–4
- ‘Politics and the English Language’
 (Orwell), 11–12, 21
- Portugal, investment treaty claims in
 Germany and, 396n23
- power
 shared responsibility Eurotunnel
 dispute and, 436–8
 statehood dynamics and use of,
 173–7
- pre-modern legal practices, Chinese
 Senkaku/Diaoyudao claims based
 on, 137–9, 139n45
- private bodies
 as government proxies, 376n65
 WTO Appellate Body’s
 interpretation of ‘public body’
 concept and, 369–73
- private enterprise, public body concept
 and, 365–9
- private international law
Namibia exception and, 177–9
 state continuity and succession in,
 277–9
- Private Law Sources and Analogies of
 International Law* (Lauterpacht),
 277–9
- private legal regimes, sovereignty issues
 and, 73–8
- Privately Contracted Armed Security
 Personnel (PCASP), 307–9,
 315–24
- Private Maritime Security Companies
 (PMSCs), 307–8
- private military companies (PMC)
 arms regulations and, 315–21
 increased use of, 324
 law of state responsibility and,
 179–82
 restrictive immunity doctrine and,
 188–90
- private security
 minimum regime concept and,
 315–21
 piracy defence and, 307–8
 private military companies and,
 179–82, 188–90
- Privy Council (United Kingdom), state
 recognition and, 202–4
- property rights, law of recognition and,
 177–9
- proportionality test
 applications of, 325n1
 Articles on Responsibility of States
 for Internationally Wrongful Acts
 limits on military necessity and,
 334–7
 collateral civilian casualties and,
 327–9
 investment treaty case law and,
 105–8
 proportionality equation and,
 330n24, 338n61
 state vs. individual responsibility
 thresholds for collateral damage
 and, 329–30
- ‘public body’ concept. *See also* private
 bodies
 international legal interpretations of,
 365–9
 legal implications of, 373–5
 relevance of International Law
 Commission articles to, 375–83
 status of International Law
 Commission articles on, 383–7

- proportionality test (*cont.*)
U.S.-Antidumping and Countervailing Duties (China) and, 363–4
 WTO Appellate Body's interpretation of, 369–73
- public law
 good faith obligation in, 107–8
 investment treaty law, comparative analysis of, 105–8
 law of recognition and, 177–9
 statehood dynamics and, 173–7
 public sector, public body concept and, 365–9
- 'Q&A on the Senkaku Islands', 133–4
 Qing dynasty, history of
 Senkaku/Diaoyudao Islands ownership and, 128–30
 Quéneudec, 255–8
 Quigley, John, 229n3
- racial discrimination
 extritoriality and cases of, 63–5
 U.S. civil rights litigation and international law and, 95–9
Rainbow Warrior arbitration, 297–301
 Rasulov, Akbar, 296n45
ratio decidendi principle, *Land, Island and Maritime Frontier Dispute*, 260–2
rationae materiae concept, military necessity principle and, 332–7
rationae personae status, state immunity and, 310–15
 rebel forces, responsibility to protect and support for, 41n73, 42
 reciprocal recognition of states, examples of, 196–8
 reciprocity, in Eurotunnel dispute, 435–6
 recognition, law of
 categories of acts and intention to recognise, 202–4
 circumstance of statement of conduct and, 207
 collective recognition of statehood under UNGA Resolution 67/19, 234–42
 constitutive approach to, 229–31
 declaratory approach to, 229–31
 disclaimers in, 205–6
 express indication of, 196–8
 identifying factors in, 204
 intentional act under, 198–202
 mechanisms and procedures, 192–6
 non-recognition of states and, 207–8
 non-state entities and, 188–90
 organs or agents acting toward entity, 204
 Palestinian state, 229–47
 statehood and, 177–9
 third party statements concerning, 206–7
 Redfern, Walter, 4–5, 8, 12
 reduced emissions from deforestation and forest degradation ('REDD') programs
 experts' role concerning, 82–3
 indigenous and forest-dwelling communities and, 88
 normative conflicts over, 71–3
 regime interaction for, 81
 regime change
 in Côte d'Ivoire, 169–70
 in Haiti, 169–70
 in Kosovo, 161–6
 UN Security Council and, 166–70
 regime interaction
 experts' role in, 82–3
 fragmentation of international law and, 71–89
 impact on sovereignty of, 78–80n50, 84
 of international laws and institutions, 73–8
 legal framework for, 84
 normative conflicts and, 71–3
 reparations, State responsibility and, 292–6
Reparations case, 81–2
 Republic of Korea, objective statehood principle and, 231–4
 Republic of the Marshall Islands and Palau, 155–6
 responsibility, legal concepts of, 288–91

- responsibility to protect (R2P). *See also*
 forceful intervention; unilateral
 intervention
 arms shipments and, 44–6
 Bosnian humanitarian crisis and,
 25–6, 43
 Constitutive Act of the African
 Union and, 29–30
 development of, 24–40
 International Commission on
 Intervention and State
 Sovereignty and, 28–9
 international law and, 23–50
 international legal system and,
 48–50
 Iraq War and, 30–1
 Kosovo humanitarian crisis and,
 26–7n16–17
 legal status of, 40–8
 Libyan humanitarian crisis and
 Security Council Resolution 1973,
 34–6
 mitigation role of, 47–8
 norm entrepreneurship and, 23
 post-Libya consequences for,
 36–40
 rebel support and, 41n73, 42
 regime change and, 166–70
 Russian invasion of Georgia and,
 31n34
 Rwandan genocide and, 26
 in Somalia (1992–1993), 25
 threats, challenges and changes to,
 31–2
 UN Secretary-General's report and
 World Summit Outcome
 Document, 32–3
 UN Security Council Resolution
 1674, 33–4
 restrictive immunity doctrine
 law of state immunity and, 182–8
 'separate entity' principle and,
 188–90
 Richards Lord Justice, 177–9
 Ricks, Christopher, 11–12, 21
 Riphagen, Willem, 350–1, 356–60
 Roberts, Hugh, 37n59
Rolimpex case, 186–7
Roma Rights case, 63–5
 Rome Conference (1998), collateral
 civilian damage and, 327–9
 Rome Statute, collateral civilian
 casualties and, 325–7
 Rosatti, Horacio, 90–3
 Round Table negotiations on
 Indonesia, 213–15
 rousing, international legal clichés and,
 15–21
 Rowe, A. P., xiv
 rule-systems, normative conflicts over,
 71–3
 Russia
 Arctic sovereignty issues and,
 118–24
 ICJ on jurisdiction against, 60–3
 invasion of Georgia by, 31n34,
 51–4, 56–8
 polar sovereignty issues and,
 110–11
 rejection of extraterritoriality rulings
 by, 56–8
 Syria and, 44–6
 Rwanda, responsibility to protect and
 genocide in, 26

Saar Papier v. Poland case, 105–8
 Saharawi people, Western Sahara
 territorial disposition and,
 157–61
 St. Domingo, British recognition of,
 202–4
 Salmond, John, xv
 San Francisco Peace Treaty (1951),
 128–30
 Sangatte Hostel
 claimants' position in, 427–8
 clandestine migrants at, Eurotunnel
 dispute and, 425–6
 Tribunal findings on, 432–5
 Sarkozy, Nicholas, 347–51
 Sayre, Paul, 95–9
 Schachter, Oscar, 15, 273–7
 SeaFrance, Eurotunnel dispute and,
 425–6
 sea ice melting, Arctic sovereignty
 issues and, 118–21
 Second Hague Peace Conference,
 342–3

- sector theory claims, polar sovereignty
and, 111–14
- Sei Fujii v. State of California*, 95–9
- self-determination
in East Timor, 227–8
ethnic identity and, 221
in international law, 210–13
uti possidetis principle and, 255–8
Western Sahara territorial
disposition and, 157–61
West Papua and, 210–13, 221–7
- Senkaku/Diaoyudao Islands dispute
Chinese position concerning,
131–3
critique of Chinese position in,
134–6
East Asian sovereignty and, 126–43
historical overview, 128–30
Japanese position concerning,
133–4
‘the name follows its owner’
(*mingcongzhuren*) principle and,
139–41
‘separate entity’ principle, dynamics of
statehood and, 188–90
- September 11, 2001 attacks, regime
change and, 166–70
- Serbia
Banković decision on air strikes in,
65–7
Bosnian atrocities committed by, 43
ethnic cleansing in Kosovo by, 26–7,
162n47
NATO air strikes in, 25–6
recognition of Kosovo and, 192–6,
206–7
state continuity and succession and,
279–83
UN intervention in, 161–6
- Settlement Plan for Western Sahara,
157–61
- Seychelles, Vessel Protection
Detachments for piracy defence
in, 310–15
- shared institutional practices
EU Member States’ international
agreements and, 409–11
normative conflicts over, 71–3
- shared responsibility, in Eurotunnel
dispute, 434–5, 436–8
- Shaw, LJ, 111–14, 198–202
- Shelley v. Kraemer*, 95–9
- shibboleths, clichés and, 5
- shipping industry
Arctic sovereignty issues and,
118–21
guidelines for PCASP for, 315–21
piracy and defence of, 307–8
- Short, Dr. Augustus, xiv
- Sierra Leone, ECOWAS intervention
in, 47–8
- Simma, Bruno, 352–6
- Simons, Penelope, 321–4
- Singapore
Palestine statehood opposed by,
241–2
recognition of Taiwan by, 198–202
- Sino-centric ideology, East Asian
sovereignty and, 139–41
- Sino-Japanese War, 128–30
- Sivakumaran, Sandesh, 59–60n22
- sleeping metaphors, clichés and, 13–14
- Slovenia, international recognition of,
196–8
- Smith, Anthony L., 213–15
- socialist states, law of state immunity
and, 182–8
- Société Nationale des Chemins de Fer
Français* (French Railways
National Society) (SNCF), in
Eurotunnel dispute, 434
- soft law instruments, PCASP guidelines
and, 315–21
- Solange I* doctrine, European
Community legal order and,
99–105
- Solange II* doctrine, European
Community legal order and,
99–105
- Somalia
humanitarian crises in, 25
piracy from, 307–8
- Sorel, Jean-Marc, 250–2
- South Africa
African National Congress and,
238n43

- Namibia* Advisory Opinion and role of, 58–60, 177–9
 third party countermeasures and, 350–1
- Southern Rhodesia, UN Security Council powers concerning, 24–5
- South Ossetia, Republic of, 56–8
 ICJ extraterritoriality cases and, 56–8, 63–5
- South Sudan, Republic of
 creation of, 159n26
 international recognition of, 196–8
 sovereignty. *See also* legal sovereignty
 activity and decision-making limits for, 182–8
 Antarctic sovereignty, 114–17
 Arctic sovereignty, 118–21
Beagle Channel arbitration concerning, 259–60
 challenges to, 88–9
 Chinese reliance on, in Senkaku/Diaoyudao claims, 138–9
 clichés about, 17
 demands and presumptions of, 78–84
 in East Asia, 126–43
 European Community legal order and issues of, 99–105
 human rights obligations in non-sovereign territory of treaty parties, 67–70
 independence *vs.*, 147–9
 investment treaties and, 90–3
 law of state immunity and, 182–8
 legal characteristics of states and, 145–7
 legal framework for regime interaction and, 88
 Permanent Court of International Justice founding argument for, 80n51, 149–50
 polar sovereignty, 110–25
 private international law and, 277–9
 regime interaction and, 73–8
 statehood and, 172, 188–90
 state immunity and, 173–7
 third party countermeasures and, 356–60
 West New Guinea decolonisation and, 213–15
- Soviet Union
 Antarctic sovereignty and, 114–17
 arms shipments to Indonesia by, 217–19
 impact on international law of, 141–3
 polar sovereignty issues and, 110–11
- Spain
 third party countermeasures and, 352–6
 Vessel Protection Detachments for piracy defence from, 310–15
- spatial applicability. *See* extraterritoriality
- specialisation, regime interaction and, 73–8
- ‘special regime’ principle, State responsibility and, 290n14
- ‘spheres of influence’ doctrine, polar sovereignty and, 111–14
- Srebrenica massacre, 25–6
- SS Lotus Case (France v. Turkey)*, 80n51
- SS Manhattan* voyage, Arctic sovereignty issues and, 118–21
- SS Wimbledon*. *See* The Wimbledon opinion
- Stahn, Carsten, 33n43
- Stanford v. Kentucky*, 95–9, 99n44
- State consent
 legal characteristics of states and, 145–7
 observer status and, 80
- state continuity and succession
 constitutionalist reading of, 279–83
 international law and, 273–84
 private law reading of, 277–9
 scepticism concerning, 273–7
- statehood
 decolonisation and recognition of, 232n11
 dynamic aspect of, 173–7

- statehood (*cont.*)
- future challenges for, 190–1
 - historical evolution of, 172, 174–5, 175n12
 - International Criminal Court
 - rulings on, 242–6
 - Kosovo independence and, 161–6
 - law of recognition and, 177–9, 192–208
 - mechanisms and procedures, 192–6
 - objective statehood principle, 231–4
 - Palestine State recognition and, 229–47
 - regime change and, 166–70
 - territorial disposition by UN Security Council and, 156–66
 - textual interpretations of Palestinian UNGA state resolutions and, 236–9
 - UN Security Council and concepts of, 155–71
 - Western Sahara case study, 157–61
- state immunity, law of
- non-state entities and, 188–90
 - piracy defence, Vessel Protection Detachments, 310–15
 - primary and secondary rules of military necessity and, 337–8
 - statehood dynamics and, 173–7, 182–8
 - State responsibility and, 302n68
- state-owned commercial banks (SOCB), public body concept and, 365–9
- state-owned enterprises (SOEs), public body concept and, 365–9
- state-owned natural resources, state immunity law and, 182–8
- State responsibility. *See* legal characteristics of states
- collateral civilian casualties and, 325–7
 - common intentions of state parties and, 71–3
 - comparison of ICJ/PCIJ jurisprudence on, 302–3
 - complicity with corporate human rights breaches and, 321–4
 - conduct of persons empowered by, 364n5
 - countermeasures in investment treaty claims and, 394–404
 - dispute settlement activity and, 304
 - in Eurotunnel dispute, 432–5
 - extraterritoriality and, 54–8
 - ILC/ICJ collaboration on norms for, 297–301
 - ILC ‘master plan’ for, 292, 297
 - international law and, 288–9n9, 291, 302n67
 - investment claim countermeasures and, 389–91, 404–5
 - investment treaties and, 391–4
 - judicial development concerning, 304–5
 - law of, 179–82
 - in mixed multi-party disputes, 421–41
 - modern laws of, 291–301
 - Namibia* Advisory Opinion and role of, 58–60
 - in non-sovereign territory of treaty parties, obligations involving, 67–70
 - for non-state actors, 315–21
 - non-state entities and, 188–90
 - normative principles and, 88
 - PCIJ and ICJ jurisprudence and, 301–5
 - PCIJ foundational decisions on, 292–6
 - piracy defence, Vessel Protection Detachments, 310–15
 - Privately Contracted Armed Security Personnel and, 315–24
 - recognition on basis of, 196–8
 - regime theory and, 73–8
 - sovereignty demands and, 78–84
 - third party countermeasures and, 342–7, 352–60, 396–7
 - threshold for, in collateral damage rulings, 329–30
 - U.S.-Antidumping and Countervailing Duties* (China), 363–88
 - Stavropoulos, Constantin, 221–2

- Stephenson Lord Justice, 186–7
- stereotypes, clichés and, 5–6
- Steyn, Johan (Lord), 18–20, 63–5
- Stone, Julius, xviii
- Strasbourg Court. *See* European Court of Human Rights
- ‘strategic’ trust territories, 155–6
- ‘strict status neutrality’ principle, third-party recognition of states, 206–7
- structural congruence (*strukturelle Kongruenz*), European Community legal order and, 99–105
- subsidies
- definitions of, 365–9
 - U.S.-Antidumping and Countervailing Duties* (China) and, 363–4
- substantial departure standard, state immunity and, 313, 313n32
- Sudan
- Palestine statehood opposed by, 241–2
 - third-party countermeasures and, 352–6
- suffrage rights violations, in West Papua, 224–7
- Suharto (President), 227–8
- Sukarno (President), 213–16
- Supremacy Clause (U.S. Constitution), 95–9
- supremacy of EC law, ‘Exit’ and ‘Voice’ dichotomy and, 99–105
- Supreme Court (U.S.), civil rights litigation and international law and, 95–9
- Switzerland
- arms exports suspension by, 44–6
 - International Code of Conduct for Private Security Services Providers and, 315–21
 - Palestinian statehood supported by, 239–40n49, 242
- Syrian war
- Arab League and, 37–8
 - arms shipments during, 44–6
 - chemical weapons attack in, 38–9
 - responsibility to protect and, 36–40
 - third party countermeasures and, 347–51, 352–6, 360–2
- tabula rasa*, in East Asian sovereignty, 126–8
- Tadić* Case, 33–34n45
- Taiwan
- international recognition of, 205–6
 - Singapore’s recognition of, 198–202
- Tanzania, third party countermeasures and, 343–7, 350–1
- ‘technicalisation of international affairs’, regime interaction and, 82–3
- technology
- polar sovereignty and impact of, 111–14
 - power of, regime interaction and, 82–3
- Tecmed v. Mexico*, investment treaty law and, 107–8
- Tehran Hostages* case, 297–301
- terra nullius* principle
- Chinese Senkaku/Diaoyudao claims and, 131–3
 - Crawford’s work in, xvii–xviii
 - Japanese Senkaku/Diaoyudao Island claims and, 133–4, 136–7, 139–41
 - Senkaku/Diaoyudao Islands dispute and, 128–30
- territorial claims
- Chinese position concerning Senkaku/Diaoyudao Islands dispute, 131–3, 134–6
 - East Asian sovereignty and principle of, 126–43
 - European law concerning, 141–3
 - Japanese position concerning, 133–4
 - polar sovereignty and, 111–14
 - uti possidetis* principle and, 255–8
- territorial control, principle of
- in ICJ rulings, 56–8
 - in *Namibia* Advisory Opinion, 58–60
 - polar sovereignty and, 110–25

- territorial disposition
 in Kosovo, 161–6
 UN Security Council authority
 concerning, 156–66
 Western Sahara case study, 157–61
 ‘territorial’ space. *See* ‘legal space’
 concept
- Teubner, Gunter, 87
- ‘the name follows its owner’
 (*mingcongzhuren*) principle,
 Senkaku/Diaoyu Islands dispute
 and, 139–41
- third parties
 EU position in international
 organisations and, 411–12
 recognition of states by, 206–7
- third party countermeasures
 future challenges for, 360–2
 international law and, 347–51
 investment treaty claims, 396n23,
 397
 joint statements of alleged abuse
 and, 356–60
 obscurity of, 350
 overview of, 343–7
 in practice, 347–60
 UN Charter Chapter VII
 enforcement parallel operation
 and, 352–6
- Thompson v. Oklahoma*, 99n44
- tobacco lobbies, World Health
 Organisation and, 84
- Tobago, Barbados maritime boundary
 dispute and, 265
- torture
 restrictive immunity doctrine and,
 188–90
 state use of, 34–6, 41n75
Total v. Argentina, 107–8
Toto v. Lebanon, 107–8
- transnational institutions, regime
 interactions and, 73–8
- transnational law
 legal framework for regime
 interaction and, 88
 normative conflicts and, 71–3
- Treaty concerning Territorial Questions
 at Issue between Colombia and
 Nicaragua*, 267–70
- treaty law
 Antarctic sovereignty and, 114–17
 Bricker Amendment and, 95–9
 EU allocation of competences and
 external relations and, 407–11
 EU exclusive competences in, 407–9
 EU Member States’ international
 agreements and, 409–11
 European Community legal order
 and, 99–105
 in Eurotunnel dispute, 426–7
 ‘Exit’ and ‘Voice’ dichotomy in,
 93–5
 extraterritoriality in framework of,
 54–6, 63–5
 of free-standing obligations in, ICJ
 affirmation of, 63–5
 investment treaty claims and, 90–3
 legal characteristics of states and,
 145–7
 ‘legal space’ concept and, 67–70
 maritime law and, 308–309n7
 need for EU coordination and, 413
 nonratification by U.S. of human
 rights treaties, 90–3, 95–9
 non-self-executing treaties and,
 95–9
 recognition of states in, 196–8,
 204–5
 representation of EU in, 412–13
 responsibility to protect and, 24–40
- Treaty of Canterbury, 422–3, 426n14,
 427–32
- Treaty of Peace, Friendship, Commerce
 and Navigation (1855), 259–60
- Treaty on the European Union (TEU),
 407–11
 EU Member States’ international
 agreements and, 409–11
 EU position in international
 organisations and, 411–12
 exclusive competence regarding
 international agreements in,
 407–9
 Member States’ compliance with law
 of, 414–15
 representation of EU in, 412–13
- Trendtex* case, 186–7
- ‘triggers’ of jurisdiction

- extraterritoriality and, 54–6, 58, 60–3
- in *Namibia* Advisory Opinion, 58–60
- Trusteeship Agreement, 155–6
- Turkey
 - ‘legal space’ concept and invasion of Cyprus by, 67–70
 - negligent navigation prosecution against France, 310–15
 - Palestinian statehood supported by, 236–42
 - SS Lotus Case (France v. Turkey)* and, 80n51
 - U.S. arms shipments to, 45–6
- Turkish Republic of Northern Cyprus (TRNC), 177–9
 - international recognition of, 205–6
 - State complicity with corporate human rights breaches in, 321–4
- Uganda
 - ICJ on jurisdiction against, 60–3
 - ‘legal space’ concept and law of occupation and, 67–70
 - rejection of extraterritoriality rulings by, 56–8
 - separation barrier with DRC, 56–8
- unilateral intervention, responsibility to protect and, 30–1
- UN Interim Administration in Kosovo (UNMIK), 161–6
- United Arab Emirates, Swiss arms exports to, 44–6
- United Kingdom
 - Antarctic sovereignty and, 114–17, 121–4
 - Corfu Channel* Case, 47–8
 - Don Pacifico* affair and, 341
 - Eurotunnel dispute and, 421–41
 - functional immunity cases in, 310–15
 - Immigration and Asylum Act (1999), 425–6
 - Indonesian incorporation of West Papua and, 219–20
 - investment treaty claims and, 90–3
 - Kosovo air strikes and, 26–7, 38–9
 - law of recognition in, 177–9
 - Palestine statehood opposed by, 241–2
 - partition of Cameroon and, 262–4
 - PCASP approval in, 315–21
 - recognition of Serbia by, 192–6
 - Roma Rights* case and, 63–5
 - state continuity in laws of, 275n10, 277–9
 - State Immunity Act of, 182–8
 - state immunity legislation in, 310–15
 - Syrian chemical weapons attack and, 38–9
 - Syrian weapons shipments and, 44–6
 - third party countermeasures and, 343–7, 350–1
- United Nations
 - EU external relations in, 411–12
 - law of recognition and, 192–6
 - Palestinian membership in, 229–31
 - Reparations* case and, 81–2
 - third party countermeasures and involvement of, 356–60
- United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 315–21
- United Nations Charter
 - Article 41, 161–6
 - Chapter VII enforcement parallel operation with third party countermeasures, 352–6
 - legal characteristics of states and, 145–7
 - responsibility to protect and principles of, 24–40
 - self-determination in, 210–13
 - third party countermeasures and, 342–3, 356–60
 - U.S. civil rights law and, 95–9
 - uti possidetis* principle and, 255–8
- United Nations Commission on Indonesia, 213–15
- United Nations Committee on the Rights of the Child, 56–7
- United Nations Congress on the Prevention of Crime and Treatment of Offenders, 315–21

- United Nations Convention on the Law of the Sea (UNCLOS), 73–8
- Antarctic sovereignty and, 116–17
- Arctic sovereignty issues and, 118–21
- investment claim countermeasures and, 389–91
- polar sovereignty issues and, 121–4
- State responsibility and PCASP protection under, 315–21
- use of force against piracy and, 308–9
- Vessel Protection Detachments against piracy and, 310–15
- United Nations Economic, Social and Cultural Organization (UNESCO), Palestinian membership in, 229–31, 239–42, 245
- United Nations Economic Commission for Asia, 128–30
- United Nations Framework Convention on Climate Change (UNFCCC), Conferences of Parties to, 73–8
- United Nations General Assembly
- Antarctic Treaty and, 114–17
- decolonisation and self-determination resolutions of, 210–13
- Decolonisation Committee, 155–6
- ‘Friendly Relations Resolution’, 41–2
- objective statehood principle and resolutions of, 232n14, 231–3, 234
- Resolution 43/177, 229–31
- Resolution 67/19, 229–31, 234–46
- Resolution 181, 241–2
- Resolution 1514, 155–6, 210–13, 221–7
- Resolution 1541, 155–6, 210–13, 221–7
- Resolution 1803, 182–8
- Resolution 2504, 219–20
- responsibility to protect (R2P) debate in, 31–2
- rules on interpretation of resolutions by, 234–42
- territorial disposition and, 155–6
- textual interpretation of Resolution 67/19 and, 236–9
- third party countermeasures and, 350–1
- ‘Uniting for Peace’ resolution of, 28–9
- votes for Palestinian statehood adoption, circumstances and explanations, 239–42
- West New Guinea draft resolutions and, 213–15
- United Nations High-Level Panel on Threats, Challenges and Change, responsibility to protect and, 31–2
- United Nations Human Rights Committee
- ‘exceptionalism’ of extraterritoriality and, 65–7
- jurisdiction in Views of, 60–3
- Views and General Comments by, 56–8
- United Nations Human Rights Council, 157–61
- United Nations Mission for the Referendum in Western Sahara (MINURSO), 157–61
- United Nations Protection Force (UNPROFOR), 25–6
- United Nations Security Council
- Bosnian crisis (1992–1995), 25–6
- global politics and role of, 170–1
- Kosovo air strikes and, 26–7, 161–6
- Post war expansion of powers and scope, 155–6
- regime change and, 166–70
- Resolution 221, 24–5
- Resolution 836, 25–6
- Resolution 1244, 161–6
- Resolution 1674, 33–4, 47–8
- Resolution 1970, 43–4
- Resolution 1973, 34–6n56, 40
- responsibility to protect and, 24–40
- rules of interpretation for resolutions of, 234–42

- Rwandan genocide and, 26
- Somalian humanitarian crises and, 25
- statehood concepts and, 155–71
- territorial disposition and, 156–66
- third party countermeasures and, 342–3, 352–6
- Western Sahara territorial disposition and, 157–61
- United Nations Stabilisation Mission in Haiti (MINUSTAH), 166–70
- United Nations Temporary Executive Authority (UNTEA), administration of West Papua by, 217–19
- United Postal Service of America Inc (UPS) v. Canada*, 179–82, 188–90
- United States
- Antarctic sovereignty and, 114–17
 - Arctic sovereignty issues and, 118–24
 - arms shipments by, 45–6
 - China relations with, 126–8
 - functional immunity in perimeter guard case in Brazil and, 310–15
 - Haitian regime change and, 166–70
 - historical evolution of, 175n12
 - human rights treaties and civil rights litigation in, 90–3
 - Indonesian independence and, 217–19
 - international law and civil rights litigation in, 95–9
 - International Telecommunication Regulations and, 417–19
 - investment treaty claims and, 90–3
 - Kosovo intervention and, 26–7, 161–6
 - law of recognition, 192–6
 - military forces and Somalian humanitarian crises, 25
 - Nicaragua Case*, 41–2
 - Palestine statehood opposed by, 239–42
 - polar sovereignty issues and, 110–11
 - recognition of new states by, 196–8
 - Senkaku/Diaoyudao islands dispute and, 128–30, 130n16
 - Syrian chemical weapons attack and, 38–9
 - third party countermeasures and, 350–1
 - United Postal Service of America Inc (UPS) v. Canada* and, 179–82
 - UN Security Council and dominance of, 170–1
 - U.S.-Antidumping and Countervailing Duties* (China) and, 363–88
 - Western Sahara territorial disposition states and, 161
- United States Military Tribunal III-A (Nuremberg), 332–7
- Universal Declaration of Human Rights, U.S. civil rights law and, 95–9
- Universal Postal Union (UPU), 415–17
- University of Adelaide, Crawford's attendance at, xi–xix
- UN-led peacekeeping forces, Somalian humanitarian crises and, 25
- UN Mission in Haiti (UNMIH), 166–70
- UN Operation in Côte d'Ivoire (UNOCI), 169–70
- U.S.-Antidumping and Countervailing Duties* (China), 363–88
- U.S. – Countervailing Duty Investigation on DRAMS*, 381–3
- use of force
- guidelines for PCASP concerning, 315–21
 - law of state responsibility and, 179–82
 - piracy defence and, 308–9
 - statehood dynamics and, 173–7
- US-Shrimp* dispute, environmental regimes and, 81
- USU Target System of Terminal Dues, EU treaties and, 415–17
- uti possidetis/uti possidetis juris* principle
- African decolonisation and, 250–2, 255–8

- uti possidetis/uti possidetis juris* principle (*cont.*)
- Barbados maritime boundary dispute and, 265
 - Beagle Channel* arbitration and, 259–60
 - Cameroon-Nigerian boundary dispute and, 262–4
 - categories of, 252–4n24, 258
 - Colombian-Nicaraguan boundary dispute and, 267–70
 - Gulf of Fonseca boundary dispute and, 258–9
 - Honduran-Nicaraguan boundary dispute and, 265–7
 - Land, Island and Maritime Frontier Dispute*, 260–2
 - Latin American colonisation and, 252–8
 - maritime boundary dispute resolution, 258–70
- Vattel, Emer de, 277–9
- Venezuela, *uti possidetis/uti possidetis juris* principle and, 254n24
- Verhoeven, Joe, 198–202
- verticality principle, international law in opposition to, 134–6
- Vessel Protection Detachments (VPDs)
- increased use of, 324
 - piracy defence and, 307–8
 - state responsibility and immunity issues and, 310–15
- Vielleicht* ('Maybe') decision, European Community legal order and, 99–105
- Vienna Convention on the Law of Treaties (VCLT)
- Palestinian statehood and, 234–42
 - public body concept and, 365–9, 374–375n62, 383
 - recognition of states in, 204–5
 - sovereignty demands and, 79–80
 - U.S.-Antidumping and Countervailing Duties* (China) and, 363–4
 - WTO Appellate Body's interpretation of 'public body' concept and, 369–73
- Vienna Conventions on State Succession, 279–83
- 'visible college' cliché, in international law, 15–17
- visual clichés, in international law, 9–10, 20–1
- 'Voice'. See 'Exit' and 'Voice' dichotomy
- von Bulmering, August, 343–7
- von Holtendorff, F., 227–8
- Waiting for Godot*, 15–17
- Wall Advisory Opinion, 51–4, 56–8
- 'exceptional' nature of extraterritoriality in, 65–7
 - extraterritoriality of free-standing obligations in treaties, ICJ affirmation of, 63–5
 - ICCPR applicability in, 60–3
 - 'legal space' concept in, 67–70
 - primary and secondary rules of military necessity and, 337–8
 - State responsibility in, 297–301
- Wang Tieya, 139–41
- war crime rules
- binary analytic mindset concerning, 331
 - state vs. individual responsibility thresholds for collateral damage and, 329–30
- Warsaw Pact nations, responsibility to protect and, 41–2
- Watts, Arthur (Sir), 41–2
- weapons shipments, responsibility to protect and, 43, 44–6
- Weber, Max, 175–6
- Weiler, Joseph, 93–5, 105
- Western Sahara
- Kosovo case compared with, 165–6
 - territorial disposition in, 157n17, 161, 165n66
- West New Guinea, postwar status of, 213–15
- West New Guinea Council, 215–16
- West Papua

- analysis of Act of Choice impact on, 221–7
- historical background of, 209–10
- Indonesian administration and incorporation of, 219–20
- nationalism in, 215–16
- New York Agreement* concerning, 217–19
- Whale Sanctuary (Australia), 110–11, 114–17
- whaling industry, Antarctic sovereignty and, 114–17
- Wilberforce (Lord), 176–7, 182–8
- Williams, Paul, 29–30
- Wilson, Woodrow, 221
- Wimbeldon* opinion case, 149–50, 294–295n36, 302–3
- World Bank
- experts' role at, 82–3
 - Forest Carbon Partnership Facility, 81, 81n56
- World Conference on International Telecommunications (WCIT), 417–19
- World Court, State responsibility laws and, 287–306
- World Health Organisation (WHO)
- Framework Convention on Tobacco Control, 84
 - implied powers rulings concerning, 81–2
 - statehood recognition by, 242–6
- World Summit Outcome Report (2005) (UN), 33n43
- responsibility to protect and, 32–3, 47–8
 - UN Security Resolution 1973 and, 34–6
- World Trade Organisation (WTO)
- Appellate Body's interpretation of 'public body' concept, 369–73, 374–375n62, 376n64, 378n72, 383
- Dispute Settlement Understanding of, 205–6, 391–3
- environmental regimes and, 81
- EU membership in, 411–12
- international trade regime and, 73–8
- investment treaties and, 90–3, 392n12
- non-governmental bodies and, 379n73
- observer status for, 80
- standards established for, 84
- status of ILC articles to 'public body' interpretations and, 383–7
- U.S.-Antidumping and Countervailing Duties* (China) and, 363–88
- Vienna Convention on Law of Treaties Article 3(3)(c) ruling by, 79–80
- wrongful conduct
- countermeasures in investment treaty claims and, 395–6
 - NAFTA investment treaty claims and, 397–404
 - normative principles of State responsibility and, 288–91
- Xingxing Daguo Guanxi* (Chinese power theory), 126–8
- Yan Shusen, 139–41
- Yasseen, Mustafa Kamil, 292–6
- Yudhoyono President, 209–10
- Yugoslavia Arbitration Commission, 248–52
- Zhongguo Guojifa Shijianyu Anli* (International Law in China: Cases and Practice), 129–130n16, 131–3
- Zimbabwe, third party
- countermeasures and, 350–1