This fifth edition of Malcolm Shaw's bestselling textbook on international law provides a clear, authoritative and comprehensive introduction to the subject. This leading text has been fully revised and updated to Spring 2003 to take account of new developments in the field. Basically preserving the structure which made the previous edition so successful, a new chapter on Inter-state Courts and Tribunals pays special attention to the role of the International Court of Justice and the International Tribunal on the Law of the Sea, and there is a new chapter on International Humanitarian Law. Also examined are arbitration tribunals set up for dispute settlement and the role of international institutions such as the WTO in resolving conflicts. The prosecution of individuals for violations of international law is examined. Additional coverage of events in Kosovo and Iraq analyses the questions of humanitarian intervention and the role of the UN. Written in a clear and accessible style and setting the subject firmly in the context of world politics and the economic and cultural influences affecting it, this book remains a highly readable and invaluable resource for students and practitioners alike. The scope of the text makes this essential reading for students of international law, international relations and the political sciences. The book is also designed to be of value for practitioners and for governmental and international civil servants.

Malcolm N. Shaw is the Sir Robert Jennings Professor of International Law at the University of Leicester, and a practising barrister.
INTERNATIONAL LAW

Fifth edition

MALCOLM N. SHAW QC

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University of Leicester
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To my mother, Paulette
And in memory of my father, Ben Shaw CBE
And of my mother-in-law, Denise Axelrod
But above all to my wife Judith
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In the quarter-century since this book first appeared, there have been few moments of uncertainty as to the direction of international relations and international law to compare with the early years of the twenty-first century. Globalisation has brought undoubted benefits in the fields of commerce, technology and communications, but also increased dangers concerning the rapid spread of disease and the growth of international terrorism. The clearly understood rules and limitations as to state conduct apparent during the Cold War period have disappeared and (for the moment at least) the optimism engendered by a renewed United Nations in the early 1990s has dissipated. Increasing resort to force by states, entities and individuals coupled with the apparently easy access to weapons of high destructive capacity pose a significant challenge to those wishing to establish a world order based on justice, mutual respect, toleration and forbearance.

Certain key events must be noted, for they have combined to shift the orientation of international relations. Increasing human rights violations committed in the Kosovo province of Yugoslavia in 1998–9 precipitated an air attack by NATO undertaken not in self-defence nor pursuant to a United Nations mandate but rather on explicit humanitarian grounds. Even more dramatically, the attack on the US on 11 September 2001 has jolted easy conceptions of international behaviour and has led, not only to significant diplomatic activity to deal with the phenomenon of international terrorism in all its forms, but also to the use of force in an effort to punish, discourage and pre-empt such activity. To the military operations against the Taliban regime of Afghanistan and its Al Qaeda allies in late 2001 in pursuit, as argued, of self-defence must be added the campaign against Iraq in March–April 2003 leading to the collapse of the regime of Saddam Hussein. This latter operation was undertaken in order to enforce Security Council resolutions requiring Iraq to divest itself of weapons of mass destruction, but without explicit UN endorsement. One important consequence of the increasing instability of international
relations has been the attention given to international law and the notion of international legitimacy.

The fourth edition that appeared in 1997 has been extensively revised. To mark the increasing significance of inter-state courts and tribunals, former materials have been updated, rewritten and gathered into a new chapter, while the previous section on international humanitarian law has been expanded to constitute a separate chapter. All the other chapters have been re-examined, updated and often rewritten. In addition, a short list of what are seen as the most important publications has been added after each chapter in order to assist those wishing to take their studies further and a section on useful websites has been added (see p. 1216). I have also been able to correct some errors. I would like particularly to thank Finola O’Sullivan of Cambridge University Press for her encouragement, assistance and above all patience. Particular gratitude is owed to Diane Ilott for her careful and thorough copy-editing and to Chantal Hamill and Mauren MacGlaslon for so carefully preparing the index and tables respectively. A debt remains to Sir Elihu Lauterpacht QC for his encouragement in the development of this work. I also remain grateful to my many colleagues from many countries for their advice and encouragement, while reassuring them that all responsibility for the end product rests squarely with me.

As ever, the real and deepest thanks are due to my wife Judith and my children, Talia, Ilan and Daniella. They have borne the brunt of my travails over the years and endured the inevitable pressures and have done so in a caring and loving manner. Their support remains the indispensable foundation of this work.

Malcolm N. Shaw QC
Faculty of Law
University of Leicester
Spring 2003
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