

Cambridge University Press

978-0-521-10797-6 - International Law: Being the Collected Papers of Hersch Lauterpacht,

Volume 4 - The Law of Peace

Edited by E. Lauterpacht

Table of Contents

[More information](#)

CONTENTS

<i>Preface</i>	<i>page xi</i>
<i>Table of Cases</i>	xiii
<i>Abbreviations</i>	xix

PART VII STATE RESPONSIBILITY

I TREATMENT OF PERSONS	
1 <i>In re</i> Friedrich Nottebohm	5
II TREATMENT OF PROPERTY	
2 The <i>Anglo-Iranian Oil Company</i> case – draft of legal submissions	23
3 Observations on the Report of Professor de La Pradelle	90

PART VIII TREATIES

I GENERAL INTRODUCTION TO THIS PART	95
II DEFINITION AND NATURE OF TREATIES	
1 Essential requirements of a treaty	101
2 Form and designation of a treaty	128
3 The law governing treaties	140
III CONCLUSION OF TREATIES	
4 Assumption of treaty obligations	147
5 Signature	152
6 Ratification	161
7 Accession	182
8 Acceptance	195
9 Reservations	200
IV CONDITIONS OF VALIDITY OF TREATIES	
SECTION I CAPACITY OF THE PARTIES AND OF THEIR AGENTS	
10 Capacity of the parties	245
11 Capacity of agents – constitutional limitation upon the treaty-making power	257

Cambridge University Press

978-0-521-10797-6 - International Law: Being the Collected Papers of Hersch Lauterpacht,

Volume 4 - The Law of Peace

Edited by E. Lauterpacht

Table of Contents

[More information](#)

CONTENTS

SECTION 2 REALITY OF CONSENT	
12	Absence of compulsion 273
13	Absence of fraud 286
14	Absence of error 289
SECTION 3 LEGALITY OF THE OBJECT OF THE TREATY	
15	Consistency with international law 295
16	Consistency with prior treaty obligations 301
	The Covenant as the 'higher law' 326
	The <i>Oscar Chinn</i> case 337
	Contracts to break a contract 340
SECTION 4 FORM AND PUBLICITY	
17	Written form 379
18	Registration 383
V INTERPRETATION OF TREATIES	
SECTION 1 THE DOCTRINE OF PLAIN MEANING	
19	The doctrine of plain meaning 393
20	Restrictive interpretation and the principle of effectiveness in the interpretation of treaties 404
SECTION 2 PREPARATORY WORK	
21	Preparatory work in the interpretation of treaties (1934) 449
22	Preparatory work in the interpretation of treaties (1950) 528
VI OPERATION OF TREATIES	
23	<i>Guardianship</i> case – separate opinion 539
<i>Index</i>	565

CONTENTS OF PREVIOUS VOLUMES

I. GENERAL WORKS

I	INTERNATIONAL LAW – THE GENERAL PART	<i>page I</i>
II	GENERAL RULES OF THE LAW OF PEACE	179
III	SURVEY OF INTERNATIONAL LAW IN RELATION TO THE WORK OF CODIFICATION OF THE INTERNATIONAL LAW COMMISSION	445

Cambridge University Press

978-0-521-10797-6 - International Law: Being the Collected Papers of Hersch Lauterpacht,

Volume 4 - The Law of Peace

Edited by E. Lauterpacht

Table of Contents

[More information](#)

CONTENTS OF PREVIOUS VOLUMES

2. THE LAW OF PEACE

PART I INTERNATIONAL LAW IN GENERAL

I INTERNATIONAL LAW AS LAW	
1 The nature of international law and general jurisprudence	3
2 The reality of the Law of Nations	22
3 On realism, especially in international relations	52
4 Professor Carr on international morality	67
II HISTORY OF INTERNATIONAL LAW	
5 International law and colonial questions, 1870–1914	95
6 International law after the Covenant	145
7 International law after the Second World War	159
III SOURCES OF INTERNATIONAL LAW	
8 Private law sources and analogies of international law	173
9 Some observations on the prohibition of ‘ <i>non liquet</i> ’ and the completeness of the law	213
10 Decisions of municipal courts as a source of international law	238
11 Codification and development of international law	269
IV THE WRITERS AND DOCTRINE OF INTERNATIONAL LAW	
12 The Grotian tradition in international law	307
13 Spinoza and international law	366
14 Westlake and present day international law	385
15 Kelsen’s pure science of law	404
16 Brierly’s contribution to international law	431
17 The so-called Anglo-American and Continental schools of thought in international law	452
V THE SUBJECTS OF INTERNATIONAL LAW	
18 The subjects of the Law of Nations	487
VI THE RELATION OF INTERNATIONAL LAW TO MUNICIPAL LAW	
19 Is international law part of the law of England?	537

Cambridge University Press

978-0-521-10797-6 - International Law: Being the Collected Papers of Hersch Lauterpacht,

Volume 4 - The Law of Peace

Edited by E. Lauterpacht

Table of Contents

[More information](#)

CONTENTS OF PREVIOUS VOLUMES

3. THE LAW OF PEACE

PART II STATES AS SUBJECTS OF
INTERNATIONAL LAW

I	ATTRIBUTES OF STATEHOOD IN INTERNATIONAL LAW	
1	Sovereignty and federation in international law	5
II	PARTICULAR TYPES OF STATEHOOD	
2	The Mandate under international law in the Covenant of the League of Nations	29
3	The interpretation of Article 18 of the Mandate for Palestine	85
4	Article 18 of the Mandate for Palestine and the dissolution of the League of Nations	101
III	REPRESENTATION OF STATES	
5	Recognition of Governments	113
IV	EFFECT OF TOTAL OR PARTIAL EXTINCTION OF STATE PERSONALITY. STATE SUCCESSION	
6	Succession of States with respect to private law obligations	121

PART III STATE TERRITORY AND
TERRITORIAL JURISDICTION

I	NATURE OF STATE TERRITORY	
1	Sovereignty over submarine areas	143
II	BOUNDARIES OF STATE TERRITORY	
2	Sovereignty over certain Frontier Land	207
III	TERRITORIAL WATERS	
3	Implications of the <i>Norwegian Fisheries</i> case	213
IV	RIGHTS OF TERRITORIAL JURISDICTION	
4	Allegiance, diplomatic protection and criminal jurisdiction over aliens	221
5	Testing the legality of Persian policy	242
6	The <i>Rose Mary</i>	245
V	DUTIES OF TERRITORIAL JURISDICTION	
7	Revolutionary activities by private persons against foreign States	251

Cambridge University Press

978-0-521-10797-6 - International Law: Being the Collected Papers of Hersch Lauterpacht,

Volume 4 - The Law of Peace

Edited by E. Lauterpacht

Table of Contents

[More information](#)*CONTENTS OF PREVIOUS VOLUMES*

8	Revolutionary propaganda by Governments	279
9	Boycott in international relations	297
VI	LIMITATIONS UPON AND EXEMPTION FROM TERRITORIAL JURISDICTION	
10	The problem of jurisdictional immunities of foreign States	315
11	The <i>Cristina</i>	374

PART IV THE INDIVIDUAL IN
INTERNATIONAL LAW

I	THE INDIVIDUAL AS A NATIONAL	
1	The nationality of denationalized persons	383
II	THE INTERNATIONAL PROTECTION OF THE INDIVIDUAL	
2	An international Bill of human rights	407
3	Towards an international Bill of rights	410
4	State sovereignty and human rights	416

PART V ORGANS OF INTERNATIONAL
INTERCOURSE: DIPLOMATIC INTERCOURSE

1	<i>In re Solvan Vitianu</i>	433
---	-----------------------------	-----

PART VI LAW OF INTERNATIONAL
GOVERNMENT, ADMINISTRATION AND
CO-OPERATION

1	The principles of international organization	461
2	The United Nations General Assembly – voting and competence in the Palestine question	504
3	Voting procedure in the General Assembly: South-West Africa	514
4	Admissibility of hearings of petitioners: South-West Africa	549
5	The League of Nations	575
6	Credentials of the Abyssinian delegation	589
7	Resurrection of the League	592