

## INDEX

- Abraham, Ronny, 45, 57, 64, 66, 87,  
162, 165, 179, 184, 187–189, 191
- Ago, Roberto, 80, 95, 121, 127, 142,  
147, 158–159, 161, 164–165,  
169–171, 175, 178, 180–182,  
189, 194, 230, 232, 234
- Anzilotti, Dionisio, 15, 19, 122
- Brierly, James Leslie, 17, 21, 25, 28–29,  
33, 35, 38–39, 41, 132, 201, 205,  
207–208, 210, 225, 229
- Bustamante y Rivero, José Luis, 52, 89,  
165, 175, 177–178, 230–231
- codification, 11, 19, 21–22, 26–29, 32,  
162, 223, 228, 241
- and international judicial settlement,  
9, 12, 15, 20, 27, 31, 43, 73, 88,  
92–94, 128, 138–155, 175–176,  
193, 224, 226, 229, 234–236,  
249–250
- as opposed to progressive  
development, 25, 27, 39–43, 44,  
64, 88, 90, 204, 210, 229,  
238–239, 243–244, 246, 251
- Convention on the Law of the Non-  
Navigational Uses of  
International Watercourses, 72
- Convention on the Prevention and  
Punishment of Crimes against  
Internationally Protected  
Persons, including Diplomatic  
Agents, 71
- Crawford, James Richard, 57, 60, 62, 67,  
77–78, 81, 108–109, 124, 127,  
148–149, 151–152, 159, 170,  
215, 223
- Descamps, Edouard Eugène François,  
14–17, 238
- Donoghue, Joan E., 86, 117, 165, 179,  
222
- Drummond, Eric, 14–15, 19
- ‘fragmentation’ of international law,  
130–131, 137, 184, 236
- Gaja, Giorgio, 50, 57, 63–64, 72–73, 88,  
136, 159, 165, 171, 244
- Guerrero, José Gustavo, 21, 23, 31,  
205–206
- Guillaume, Gilbert, 75, 86, 130–131,  
158, 178, 184, 186, 230, 244
- Hague Convention on the Pacific  
Settlement of International  
Disputes, 10
- Higgins, Rosalyn, 3, 58, 60, 64, 66, 89,  
123, 129, 131, 157, 162,  
179–180, 185–187, 189,  
199–200, 230, 239, 241
- Hudson, Manley Ottmer, 19–20, 27, 33,  
35, 42, 92, 132–133, 135, 139,  
165–168, 190, 201, 203,  
207–211, 232, 238
- International Court of Justice  
*Ahmadou Sadio Diallo (Republic of  
Guinea v. Democratic Republic  
of the Congo)*, 61–62, 65, 77, 86,  
116, 185, 197–198  
*Application of the Interim Accord of  
13 September 1995 (the former  
Yugoslav Republic of Macedonia  
v. Greece)*, 61

- Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*, 63
- Armed Activities on the Territory of the Congo*, 58, 62, 66, 74, 131, 185
- Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)*, 123, 125, 216–220
- Avena and Other Mexican Nationals (Mexico v. United States of America)*, 49, 112, 116, 136, 185
- Barcelona Traction, Light and Power Company, Limited*, 108–111, 124, 168, 170–171, 192, 197, 214, 247
- Certain activities carried out by Nicaragua in the Border Area*, 61
- Certain Iranian Assets*, 61, 63, 71
- Certain Norwegian Loans (France v. Norway)*, 81, 123
- Colombian-Peruvian asylum Case*, 78, 201, 203
- Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*, 48, 80, 127, 163, 235
- Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania)*, 95, 102, 105, 110, 112, 118, 122, 126, 168, 193, 195, 200
- Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*, 67, 230
- determination of customary international law, 51–67, 72, 87–88
- Difference relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights*, 58, 108, 114, 187
- Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)*, 74, 86
- Effect of Awards of Compensation Made by the United Nations Administrative Tribunal*, 79
- Elettronica Sicula S.p.A. (ELSI) (United States of America v. Italy)*, 111, 171
- establishment of, 30–43
- Fisheries (United Kingdom v. Norway)*, 79, 86, 100–101, 126, 167, 194, 201
- Fisheries Jurisdiction (United Kingdom v. Iceland)*, 72, 105, 110, 124, 229
- Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*, 55–58, 66, 68, 72, 107–108, 110, 112, 124, 164, 170, 183, 242
- Genocide case (Bosnia and Herzegovina v. Serbia and Montenegro)*, 59, 65, 69, 77, 107, 109, 116, 131
- Genocide case (Croatia v. Serbia)*, 61, 65, 70
- individual opinions, 78–82, 121–123
- Interpretation of Peace Treaties with Bulgaria, Hungary and Romania*, 99
- Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*, 55, 105, 114
- Jadhav (India v. Pakistan)*, 49
- jurisdiction, 30, 138–155, 224, 236
- Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening)*, 49–50, 53, 61, 70, 119, 127, 235
- Kasikili/Sedudu Island (Botswana/Namibia)*, 48–49, 72, 163
- LaGrand (Germany v. United States of America)*, 75, 109, 112, 116, 136, 172, 185, 201, 214

- International Court of Justice (cont.)  
*Land and Maritime Boundary between Cameroon and Nigeria* (Cameroon v. Nigeria: Equatorial Guinea intervening), 48  
*Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 58, 77, 184  
*Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, 53, 81, 221  
*Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, 72, 105, 110  
*Legality of the Threat or Use of Nuclear Weapons*, 110, 121, 125, 229  
*Maritime Delimitation and Territorial Questions between Qatar and Bahrain* (Qatar v. Bahrain), 68, 78  
*Maritime Delimitation in the Black Sea* (Romania v. Ukraine), 49  
*Maritime Dispute* (Peru v. Chile), 53  
 membership, 158–165  
*Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v. United States of America), 53, 59, 73, 79, 107–108, 199, 204  
*non liquet*, 16, 168, 235  
*North Sea Continental Shelf cases*, 51, 55, 67, 79–80, 88, 104–105, 110, 119, 124, 170, 176–177, 186, 195, 216, 230, 235, 241  
*Nottebohm (Liechtenstein v. Guatemala)*, 95, 106, 111, 124, 215–216, 224  
*Nuclear Tests cases*, 110, 128, 195  
*Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament cases*, 66, 81  
*Pulp Mills on the River Uruguay* (Argentina v. Uruguay), 49, 61, 74, 185  
*Questions relating to the Obligation to Prosecute or Extradite* (Belgium v. Senegal), 76–77, 116, 120, 164, 184, 188, 197, 202  
*Reparation for Injuries Suffered in the Service of the United Nations*, 100  
*Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*, 104, 122  
*Rights of Nationals of the United States of America in Morocco* (France v. United States of America), 104  
*South West Africa cases*, 79, 143–144, 214, 229, 236  
 Statute of, 30, 33, 67, 83–89, 135–138, 191, 232, 237–238, 247  
*Temple of Preah Vihear* (Cambodia v. Thailand), 103–104, 127  
*Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea* (Nicaragua v. Honduras), 49  
 treaty interpretation, 48–51, 70  
*United States Diplomatic and Consular Staff in Tehran* (United States of America v. Iran), 71, 73–74, 108
- International Criminal Tribunal for the former Yugoslavia, 70, 107, 199
- International Law Commission  
 choice of terminology, 123–127  
 Draft articles on diplomatic protection, 63, 65, 77, 110, 122, 124, 136, 153, 192, 197, 199  
 Draft articles on the effects of armed conflicts on treaties, 113, 153  
 Draft articles on expulsion of aliens, 115, 153, 185, 241, 249

- Draft articles on jurisdictional immunities of States and their property, 53, 105, 146
- Draft articles on the law of the non-navigational uses of international watercourses, 105, 124, 148, 161, 163, 180
- Draft articles on the law of transboundary aquifers, 98, 106, 153
- Draft articles on the law of treaties, 48, 53, 102, 122, 143, 146, 171
- Draft articles on the law of treaties between States and international organizations or between international organizations, 93, 148
- Draft articles on most-favoured-nation clauses, 103, 145
- Draft articles on nationality of natural persons in relation to the succession of States, 106
- Draft articles on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons, 145
- Draft articles on prevention and punishment of crimes against humanity, 119, 154
- Draft articles on prevention of transboundary harm from hazardous activities, 109
- Draft articles on the protection of persons in the event of disasters, 118, 153
- Draft articles on the responsibility of international organizations, 113, 154
- Draft articles on State responsibility, 56–62, 65–66, 68, 70–71, 73–76, 106–109, 114, 124, 127, 151, 181, 214, 240, 244, 247
- Draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, 98, 146
- Draft articles on succession of States in respect of matters other than treaties, 104
- Draft articles on succession of States in respect of treaties, 104
- Draft articles on treaties concluded between States and international organizations or between international organizations, 105
- Draft code of crimes against the peace and security of mankind, 69–70, 98
- Draft conclusions on identification and legal consequences of peremptory norms of general international law (*jus cogens*), 82, 121–122, 130, 135, 155, 219
- Draft conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties, 97, 118
- Draft guidelines on the protection of the atmosphere, 120, 154
- Draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities, 112
- Draft principles on protection of the environment in relation to armed conflicts, 120, 125
- establishment of, 65–86
- Guide to practice on reservations to treaties, 115, 122, 154–155, 216
- Guiding principles applicable to unilateral declarations of States capable of creating legal obligations, 113, 128–129, 137, 187, 194, 241
- identification of customary international law, 84, 93, 96, 119, 134, 195, 233
- immunity of State officials from foreign criminal jurisdiction, 107, 125, 129, 172, 187, 217

- International Law Commission (cont.)  
 membership, 34–36, 165–168  
 Model rules on arbitral procedure,  
 133, 137  
 programme of work, 42, 127–131,  
 139, 153, 186–188  
 Statute of, 38, 41–43, 67, 92,  
 127–128, 177, 186, 200, 232,  
 238–239, 243–244  
 International Prize Court, 11–14, 19, 22
- Jiménez de Aréchaga, Eduardo, 80, 127,  
 144, 159, 163, 166, 170, 178
- Kerno, Ivan, 32, 37, 42, 201, 209  
 Koretsky, Vladimir M., 34–35, 37–38,  
 40, 45, 158–159, 176–178  
 Krylov, Sergei Borisovitch, 101, 122,  
 165–167
- Lauterpacht, Hersch, 18, 27, 29, 36, 42,  
 51, 81, 123, 139, 159, 161, 200,  
 212, 223, 225, 239, 245
- League of Nations  
 Advisory Committee of Jurists, 10,  
 14–21, 83  
 Assembly of, 13–14, 19–20, 25, 27  
 codification conference at The  
 Hague, 26–27  
 Committee of Experts for the  
 Progressive Codification of  
 International Law, 19–29, 160,  
 205, 233, 242  
 Council of, 13–14, 17–21  
 Covenant of, 13, 20, 22
- Pellet, Alain, 13, 66, 84, 89, 96, 98, 108,  
 136, 149, 151, 170–171, 182–184,  
 186, 193, 196–198, 200–201, 204,  
 212, 217, 219, 222, 224, 228–229,  
 236, 239, 244–245, 249
- Permanent Court of Arbitration, 10–11  
 Permanent Court of International Justice,  
 13–21, 24–25, 28, 92, 210  
*Acquisition of Polish Nationality*, 106  
*Case of the S.S. “Lotus”*, 87, 208–211  
*Electricity Company of Sofia and  
 Bulgaria*, 122
- Factory at Chorzów*, 112  
*Free Zones of Upper Savoy and the  
 District of Gex*, 104  
*Mavrommatis Palestine Concessions*,  
 63, 103, 110, 224  
*The “Société commerciale de Belgique”*,  
 105  
 Phillimore, Walter George Frank, 16–17  
 Progressive development of the law *see*  
 Codification
- Root, Elihu, 9, 13–17, 19, 27–28
- Schwebel, Stephen, 3, 47, 57, 64, 67,  
 72–73, 78–79, 85, 87, 96,  
 130–131, 158–159, 161, 163, 170,  
 173, 178, 180, 183, 189, 193, 242  
 sources of international law, 15–17,  
 84–86, 136–138  
 subsidiary means for the determination  
 of rules of international law, 17,  
 31, 83–86, 134–135, 137, 191,  
 238 *see also* teachings of the  
 most highly qualified publicists  
 of the various nations
- teachings of the most highly qualified  
 publicists of the various nations,  
 17, 31, 83–88, 90, 191, 238
- Tomka, Peter, 2–3, 53, 55, 74, 76–77,  
 87, 95, 97, 125, 152, 158–159,  
 163–164, 172–173, 179, 184,  
 187–188, 197, 225, 231
- United Nations  
 Committee on the Progressive  
 Development of International  
 Law and Its Codification, 33–41  
 Charter, 29–30, 32–33, 40–41, 53,  
 79, 115, 124, 135, 144, 152,  
 231, 248  
 General Assembly, 1–2, 32–33, 35,  
 39, 41–43, 128, 133, 135, 145,  
 150, 203–204, 238, 245  
 Sixth Committee of, 34, 36, 41–42,  
 50, 84, 182, 245  
 Security Council, 35, 41, 135, 150,  
 203, 229

Valencia-Ospina, Eduardo, 152, 169, 242	Wood, Michael, 2, 67, 84, 93,
Vienna Convention on the Law of Treaties,	96, 134, 148, 153,
48, 50, 55, 72, 82, 148, 235	172–173, 188, 220, 236,
	244–245, 248
Waldock, Humphrey, 52, 58, 89, 91, 94,	
97, 122, 143, 146–147, 158–162,	Xue, Hanqin, 76, 158–159, 164, 184,
164–165, 170–171, 175–178,	195, 214, 242
180, 213, 230–231, 234, 241–242	
Wickersham, George W., 18, 21–23, 25,	Yusuf, Abdulqawi Ahmed, 46, 173, 179,
27, 243	184, 221