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Malcolm N. Shaw, QC, is a practising barrister at Essex Court Chambers and Senior Fellow at the Lauterpacht Centre for International Law at Cambridge University. He is Emeritus Sir Robert Jennings Professor of International Law at Leicester University. One of the world's leading international lawyers, he is an Associé of the Institut de Droit International, former Trustee of the British Institute of International and Comparative Law and a founding member of the Curatorium of the Xiamen Academy of International Law, China.

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Eyal Benvenisti, University of Cambridge

'Throughout my academic career, I have used this book for teaching and researching in international law and have gladly recommended it to my students who like it and find it accessible. It is an excellent source of reference in international law. The language is lucid, the coverage is comprehensive and the organisation of the material is reader-friendly. As an academic interested in international economic law, I was glad to see that the new edition now covers this area of law too, which is a rapidly evolving and fast-changing area of international law. All in all, the new edition is very much a welcome addition to the literature in international law and should serve as the definitive and authoritative text on the subject for practitioners, academics, students, diplomats and others interested in both international law and international relations.'

Surya P. Subedi, University of Leeds

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NINTH EDITION

Malcolm N. Shaw

Essex Court Chambers/Lauterpacht Centre for International Law, University of Cambridge



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For my wife Judith. May her memory be a blessing.

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Preface to the Ninth Edition

The chapters in this book have been re-examined, updated and, where necessary, rewritten in order to try and cope with the ever-increasing volume of new materials on international law. I have, in particular, been able to increase the coverage of outer space and international economic law, and to introduce sections on cyber activities, cyber warfare and the COVID-19 pandemic crisis. I have also been able to add somewhat to the chapters on international law and municipal law and on recognition in the light of important case-law. However, to compensate, some trimming has been necessary in other parts to free up the necessary space.

I would especially like to thank the Cambridge University Press team of Caitlin Lisle, Marianne Nield and Amy Mower for their help and encouragement in the production of this edition and to Finola O'Sullivan who has monitored this work through many editions now. She is a friend as well as a guide. I am also grateful to Sophie Rosinke for the thorough and excellent copy-editing of the text and preparation of the tables and to Judy Oliver for so carefully preparing the index. Particular appreciation is owed to Tim Clark for his meticulous research assistance, accomplished with speed and organisation. A lasting debt remains, however, to Sir Elihu Lauterpacht QC, a towering figure in international law, whose encouragement and assistance in the initial development of this book were indispensable. His continuing interest and friendship were always deeply appreciated and are now much missed. I would also like to thank my many colleagues from around the world for their advice and support, while reassuring them that all responsibility for the end product rests squarely with me.

As ever, the deepest thanks are due to my wife Judith and my children, Talia, Ilan and Daniella and now my grandchildren, Mika, Eden, Zevi and Zak. I am particularly grateful to Ilan for once again producing an imaginative, intriguing and quite remarkable cover painting.

The date of this work is July 2020, but I have been able to insert some additional material during the production process. As this work entered the proofing stage, my beloved wife Judith passed away after a long and brave struggle against a cruel illness. She was the heart and foundation of my life. May she rest in peace.

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Abbreviations

AC	Law Reports, Appeal Cases	CARICOM	Caribbean Community
ACTHPR	African Court on Human and Peoples' Rights	Cass. Crim.	Cour de Cassation, France, Criminal
AD	Annual Digest and Reports of Public International Law Cases (now International Law Reports)	CCC	Canadian Criminal Cases
AFDI	Annuaire Français de Droit International	Cd, Cmd or Cmnd	UK Command Papers
AJIL	American Journal of International Law	CETA	Comprehensive Economic and Trade Agreement
All ER	All England Law Reports	CFC	chlorofluorocarbon
ALR	Argus Law Reports (1895–1959); Australian Argus Law Reports (1960–73); Australian Law Reports (1973–)	Ch.	Law Reports, Chancery Division
AMF	Arab Monetary Fund	CIS	Commonwealth of Independent States
AMIS	African Mission in Sudan	CJEU	Court of Justice of the European Union
AMISOM	African Union Mission to Somalia	Cl. Ct.	US Court of Claims Reports
ASEAN	Association of South-East Asian Nations	CLJ	Cambridge Law Journal
AU	African Union	CLR	Commonwealth Law Reports
Australian YIL	Australian Yearbook of International Law	CMLR	Common Market Law Reports
B & C	Barneswell Cresswell (English Reports)	CoE	Council of Europe
BCLC	Butterworths Company Law Cases	COMECON	Council for Mutual Economic Assistance
BFSP	British and Foreign State Papers	Cr App R	Criminal Appeal Reports
BIT	bilateral investment treaty	Cranch	Cranch Reports, United States Supreme Court
BPIL	British Practice in International Law	Crim LR	Criminal Law Review
Bull.	Bulletin	C.Rob.	C. Robinson's Admiralty Reports
Burr.	Burrow's Reports	CSCE	Conference on Security and Cooperation in Europe
BYIL	British Year Book of International Law	Dall.	Dallas, Pennsylvania and United States Reports
Cal	California Reports	DLR	Dominion Law Reports
Canadian YIL	Canadian Yearbook of International Law	Dod.	Dodson's Admiralty Reports
		DUSPIL	Digest of US Practice in International Law
		EC	European Communities
		ECHR	European Convention on Human Rights and Fundamental Freedoms
		ECJ	European Court of Justice

List of Abbreviations

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ECOMOG	ECOWAS Cease-fire Monitoring Group	IAEA	International Atomic Energy Agency
ECOSOC	Economic and Social Council of the United Nations	IBRD	International Bank for Reconstruction and Development
ECOWAS	Economic Community of West African States	ICAO	International Civil Aviation Organization
ECR	European Court Reports	ICC	International Criminal Court
EEC	European Economic Community	ICG	International Crisis Group
EJIL	European Journal of International Law	ICJ	International Court of Justice
EU	European Union	ICLQ	International and Comparative Law Quarterly
EUFOR	European Union force	ICR	Industrial Cases Reports
EURATOM	European Atomic Energy Community	ICR	International Civilian Representative
EWCA Civ.	England and Wales, Court of Appeal, Civil	ICRC	International Committee of the Red Cross
EWHC Admin.	England and Wales, High Court	ICSID	International Centre for the Settlement of Investment Disputes
Ex.D.	Law Reports, Exchequer Division	ICTR	International Criminal Tribunal for Rwanda
F.2d	Federal Reporter (Second Series)	ICTY	International Criminal Tribunal for the Former Yugoslavia
Fam.	Law Reports, Family Division	IDA	International Development Association
FAO	Food and Agriculture Organization	IFC	International Finance Corporation
FCDO	Foreign Commonwealth and Development Office	IFOR	implementation force
FCO	Foreign and Commonwealth Office	IGAD	Intergovernmental Authority on Development in Eastern Africa
FCR	Federal Court Reports (Australia)	IJIL	Indian Journal of International Law
Finnish YIL	Finnish Yearbook of International Law	ILA	International Law Association
F(J)	Faculty of Advocates	ILC	International Law Commission
FLR	Family Law Reports	ILM	International Legal Materials
FRG	Federal Republic of Germany	ILO	International Labour Organization
F.Supp.	Federal Supplement	ILR	International Law Reports (see also Annual Digest and Reports of Public International Law Cases)
GAOR	General Assembly Official Records	IMF	International Monetary Fund
GATT	General Agreement on Tariffs and Trade	IMO	International Maritime Organization
GDR	German Democratic Republic	IPPA	investment promotion and protection agreement
GEF	Global Environmental Facility	Iran-US CTR	Iran-United States Claims Tribunal Reports
German YIL	German Yearbook of International Law	ISAF	International Security Assistance Force in Afghanistan
GHG	greenhouse gas	ISDS	investor-state dispute settlement
GNP	gross national product	ITC	International Tin Council
HC Deb.	House of Commons Debates	JCPA	Joint Comprehensive Plan of Action
HCFC	hydrochlorofluorocarbon	KB	Law Reports, King's Bench Division
HFC	hydrofluorocarbon		
HLC	House of Lords Reports (Clark)		
HL Deb.	House of Lords Debates		
HMSO	Her Majesty's Stationery Office		
HR	Hague Academy of International Law, Recueil des Cours		
HRJ	Human Rights Journal		
HRLJ	Human Rights Law Journal		
HRQ	Human Rights Quarterly		
IAC	Iraqi Airways Company		

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KFOR	Kosovo Force	PAIGC	Partido Africano da Independencia da Guine e Cabo Verde
KZW	Kunstsammlungen zu Weimar	PASIL	Proceedings of the American Society of International Law
L.Ed.	US Supreme Court, Reports, Lawyers' Edition	PCA	Permanent Court of Arbitration
LL. R	Lloyd's Law Reports	PCIJ	Permanent Court of International Justice
LNOJ	League of Nations Official Journal	PD	Law Reports, Probate, Divorce and Admiralty Division, 1875–90
LNTS	League of Nations Treaty Series	Pet.	Peter's United States Supreme Court Reports
LQR	Law Quarterly Review	PLO	Palestine Liberation Organisation
LRA	Lord's Resistance Army	POW	prisoner of war
MERCOSUR	Southern Cone Common Market	QB	Law Reports, Queen's Bench Division
MINURSO	United Nations Mission for the Referendum in Western Sahara	RecChI	Recommendation of the Committee of Ministers on the European Charter for Regional or Minority Languages
MINUSCA	Multidimensional Integrated Stabilisation Mission in the Central African Republic	RFDA	Revue Française de Droit Administratif
MINUSMA	United Nations mission in Mali	RGDIP	Revue Française de Droit International Public
MLR	Modern Law Review	RIAA	United Nations Reports of International Arbitral Awards
MNF	Multi-National Force	R (J)	Justiciary cases in vols. of Session Cases, 1873–98
MONUC	Organization Mission in the Democratic Republic of the Congo	SA	South African Reports
MONUSCO	Stabilization Mission in the Democratic Republic of the Congo	SADC	Southern African Development Community
MPA	Marine Protected Area	SADR	Saharan Arab Democratic Republic
NAFO	North Atlantic Fisheries Organization	SAR	Special Administrative Region Supreme Court
NAFTA	North American Free Trade Agreement	SC	Security Council Official Records
NATO	North Atlantic Treaty Organization	SCOR	Supreme Court Reports (Canada)
NE	Northeastern Reporter	SCR	Supreme Court Reporter
Netherlands	Netherlands Yearbook of International Law	S.Ct.	stabilisation force
YIL	Non-governmental organisation	SFOR	Socialist Federal Republic of Yugoslavia
NGO	Netherlands International Law Review	SFRY	New South Wales, State Reports
NILR	Nagorno-Karabakh Republic	SR (NSW)	United States Statutes at Large
NKR	New York Reports	Stat.	Treaty on European Union
NY	New York Supplement	TEU	Turkish Federated State of Cyprus
NYS	New Zealand Law Reports	TFSC	Turkish Republic of Northern Cyprus
NZLR	Organization of American States	TRNC	United Arab Emirates
OAS	Organisation of African Unity	UAE	United Kingdom
OAU	Office for Democratic Institutions and Human Rights	UK	United Kingdom, House of Lords
ODIHR	Organisation for Economic Co-operation and Development	UKHL	United Kingdom Materials in International Law
OECD	Organisation of Eastern Caribbean States	UKMIL	United Nations
OECS	Observer for the Verification of Elections in Nicaragua	UN	United Nations Advance Mission in Cambodia
ONUEN	Ontario Reports	UNAMIC	
OR	Organization for Security and Co-operation in Europe		
OSCE	Law Reports, Probate, Divorce and Admiralty Division, 1891–		

List of Abbreviations

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UNAMID	United Nations–African Union Hybrid Operation in Darfur	UNMOP	United Nations Mission of Observers in Prevlaka
UNAMIR	United Nations Assistance Mission for Rwanda	UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
UNAMIS	United Nations Advance Mission in the Sudan	UNOMIL	United Nations Observer Mission in Liberia
UNAMSIL	United Nations Mission in Sierra Leone	UNOSOM	United Nations Operation in Somalia
UNASOG	United Nations Aouzou Strip Observer Group	UNPREDEP	United Nations Preventive Deployment Force
UNAVEM I	United Nations Angola Verification Mission	UNPROFOR	United Nations Protection Force
UNCESCR	United Nations Committee on Economic, Social and Cultural Rights	UNSCOB	United Nations Special Committee on the Balkans
UNCIO	United Nations Conference on International Organization	UNSCOM	United Nations Special Commission
UNCITRAL	United Nations Commission on International Trade Law	UNSMIH	United Nations Support Mission in Haiti
UNCLOS	United Nations Convention on the Law of the Sea	UNTAC	United Nations Transitional Authority in Cambodia
UNCRO	United Nations Confidence Restoration Operation in Croatia	UNTAES	United Nations Transitional Administration for Eastern Slavonia
UNCTAD	United Nations Conference on Trade and Development	UNTAET	United Nations Transitional Administration in East Timor
UNDRO	United Nations Disaster Relief Office	UNTAG	United Nations Transition Assistance Group
UNEF	United Nations Emergency Force	UNTS	United Nations Treaty Series
UNEP	United Nations Environment Programme	UNTSO	United Nations Truce Supervision Organization
UNESCO	United Nations Educational, Scientific and Cultural Organization	US	United States Reports (Supreme Court)
UNHCR	United Nations High Commissioner for Refugees	USC	United States Code
UNICYP	United Nations Force in Cyprus	USLW	United States Law Weekly
UNIFIL	United Nations Interim Force in the Lebanon	Va. JIL	Virginia Journal of International Law
UNIKOM	United Nations Iraq–Kuwait Observer Mission	Ves. Jun.	Vesey Junior's Chancery Reports
UNITAF	Unified Task Force	WMD	weapons of mass destruction
UNJYB	United Nations Juridical Yearbook	VMS	vessel monitoring system
UNMIH	United Nations Mission in Haiti	VR	Victoria Reports
UNMIK	United Nations Mission in Kosovo	WEU	Western European Union
UNMIS	United Nations Mission in Sudan	Wheat.	Wheaton, United States Supreme Court Reports
UNMISSET	United Nations Mission of Support in East Timor	WHO	World Health Organization
UNMISS	United Nations Mission in South Sudan	WLR	Weekly Law Reports
UNMOGIP	United Nations Military Observer Group in India and Pakistan	Yale JIL	Yale Journal of International Law
		YBWA	Yearbook of World Affairs
		ZACC	South African Constitutional Court
		ZaöRV	Zeitschrift für ausländisches öffentliches Recht und Völkerrecht

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