

Topic 2 Sources of Law.....	9
Article 38 of Statute of International Court of Justice.....	9
Ure v Commonwealth (2016) 329 ALR 452.....	9
North Sea Continental Shelf Case (Germany v Denmark; Germany v Netherlands) [1969] ICJ Rep 3... 10	
Military and Paramilitary Activities in and against Nicaragua [1986] ICJ Rep 14.....	10
Nicaragua v Colombia [2023] ICJ Rep 413.....	10
(Regional Customary International Law) Asylum Case (Colombia v Peru) [1950] ICJ Rep 266.....	10
(Persistent Objection)Anglo-Norwegian Fisheries Case (UK v Norway) [1951] ICJ Rep 116.....	11
Topic 3 Treaties.....	11
Definition → VCLT, Art 2(1)(a).....	11
Art 3.....	11
Legal Status of Eastern Greenland (Denmark v Norway) (1933) PCIJ Series A/B, No 53.....	11
Maritime Delimitation and Territorial Questions (Qatar v Bahrain) [1994] ICJ Rep 112.....	11
Nuclear Tests Cases (Australia v France; New Zealand v France) [1974] ICJ Rep 253.....	12
Art 7.....	12
UN Charter, Art 102 & VCLT, Art 80 – Registration.....	12
VCLT, Art 26 – Pacta Sunt Servanda → Fundamental Rule.....	12
VCLT, Art 27 – Internal Law Cannot Be Used as a Justification for Breach.....	12
VCLT, Art 18 – Effect of Signing but Not Ratifying a Treaty.....	12
VCLT, Art 34 – Third Parties (Privity).....	12
Art 2(1)(d) – Defining a Reservation.....	12
VCLT, Art 19 – Which Reservations Are Allowed?.....	13
Reservations to Genocide Convention [1951].....	13
VCLT, 20 – Acceptance or Objection to Reservations.....	13
Legal Effect of Reservations (VCLT, Art 21).....	13
Republic of India v CCDM Holdings, LLC [2025] FCAFC 2.....	13
DHI22 v Qatar Airways [2024] FCA 348.....	14
VCLT, Art 31 – General Rule.....	14
VCLT, Art 31(3).....	14
Whaling in the Antarctic Case [2014] ICJ Rep 226 (at [83]).....	14
VCLT, Art 32 – Supplementary Means.....	14
Whaling in the Antarctic Case (2014).....	14
Oil Platform (Iran v US) (2003).....	14
Case Concerning the Dispute Regarding Navigational and Related Rights (Costa Rica v Nicaragua) [2009] ICJ Rep 213.....	14
VCLT, Arts 51-52.....	14
VCLT, Arts 53-64.....	15
VCLT, Art 46.....	15
VCLT, Art 48.....	15

Temple of Preah Vihear (Cambodia v Thailand) [1962] ICJ Rep 6.....	15
VCLT, Art 49.....	15
VCLT, Arts 54 & 57.....	15
VCLT, Art 60.....	15
VCLT, Art 62.....	15
Gabčíkovo-Nagymaros Project (Hungary/Slovakia) (1997).....	15
Topic 4 The Role of Domestic Law in International Law.....	16
ACCC v PT Garuda (No 9) [2013] FCA 323 per Perram J.....	16
Trendtex Trading [1977] QB 529.....	17
Law Debenture Trust [2023] UKSC 11.....	17
Chow Hung Ching v R (1949) 77 CLR 449.....	17
Mabo v Queensland (No 2) (1992) 175 CLR 1.....	17
Habib v Commonwealth (2010) 183FCR 62.....	17
Nulyarimma v Thompson (1999) 165 ALR 621.....	17
R v Jones [2006] 2 All ER 741.....	18
Koowarta v Bjelke-Petersen (1982) 153 CLR 168 at 215 per Stephen J.....	18
Dietrich v R [1992] HCA 37 – re right to a fair trial under ICCPR (not incorporated into AUS law until legislative passed saying so).....	18
Bradley v Commonwealth (1973) 128 CLR 557.....	19
Horta v Commonwealth (1994) 181 CLR 183.....	19
Koowarta v Bjelke-Peterson (1982) 153 CLR 168.....	20
Commonwealth v Tasmania (Tasmanian Dam Case) (1983) 158 CLR 1.....	20
Charter of the United Nations Act 1945 (Cth).....	21
Diplomatic Privileges and Immunity Act 1967 (Cth s7).....	21
Migration Act 1958 (Cth), s 4 (def. Of refugee).....	21
Charter of UN Act 1945 (Cth) (discussed in Bradley v Commonwealth (1973) 128 CLR 557).....	21
Acts Interpretation Act 1901 (Cth), ss 15AB(1) and (2)(d).....	22
Polites v Commonwealth (1945) 70 CLR 60.....	22
Al-Kateb v Godwin (2004) 208 ALR 124.....	22
The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).....	22
ACCC v PT Garuda (No 9) [2013] FCA 323.....	22
<input checked="" type="checkbox"/> Examples identified by Perram J:.....	23
Topic 5 Personality, Statehood and Self-Determination.....	23
Reparation for Injuries Case [1949] ICJ Rep 174.....	23
Nuremberg Tribunal Judgment (1947).....	24
Texaco Overseas Petroleum Company v Libya (1977) 53 ILR 389 → Corporations.....	24
1933 Montevideo Convention on the Rights and Duties of States, Art 1.....	24
Other Criteria → EC Declaration on New States in Eastern Europe and Soviet Union (1991).....	25
Kosovo Advisory Opinion [2010] ICJ Rep 403.....	25
Manchukuo (Japanese ‘puppet state’ in China 1932- 1945).....	25
Foreign Corporations (Application of Laws) Act 1989 (Cth).....	26

Common Art 1 of the 1966 ICCPR and 1966 ICECSR.....	26
Western Sahara Advisory Opinion [1975] ICJ Rep 37.....	26
Reference Re Secession of Quebec (1998) 2 SCR 217.....	26
Burkina Faso/Mali[1986] ICJ Rep 554.....	27
Chagos Islands Advisory Opinion [2019] ICJ Rep 95.....	27
2007 UN Declaration on the Rights of Indigenous Peoples.....	27
2017 Uluru Statement from the Heart.....	28
Topic 6 Title to Territory.....	28
Island of Palmas (1928).....	28
Western Sahara Advisory Opinion [1975] ICJ Rep 162.....	28
Mabo v Queensland (No 2) (1992) 175 CLR 1.....	29
Clipperton Island Arbitration (France v Mexico) (1932).....	30
Island of Palmas Case (Netherlands vs US) (1928).....	31
Legal Status of Eastern Greenland (Norway v Denmark) (1933) PCIJ.....	31
Case Concerning Sovereignty Over Pulau Ligitan and Pulau Sipadan (Indonesia v Malaysia) [2002] ICJ Rep 625.....	32
Case Concerning Sovereignty Over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) [2008] ICJ Rep 12.....	32
1982 UN Convention on the Law of the Sea (UNCLOS).....	33
South China Sea Arbitration (Philippines v China).....	33
Antarctica.....	34
Airspace and Outer Space.....	34
Topic 7 Jurisdiction.....	34
SS Lotus (France v Turkey) (1927) PCIJ.....	35
R v Turnbull; ex parte Petroff (ACTSC, 1971).....	35
R v Disun; R v Nardin (WASC, 2003).....	35
Ward v R (HCA, 1980).....	35
Crimes Act 1900 (NSW), s 10C.....	35
XYZ v Commonwealth (2006) HCA.....	36
A-G v Eichmann (Dist Ct Jerusalem, 1961).....	36
US v Benitez.....	36
Joyce v DPP (HOL, 1946).....	36
R v Casement (1917).....	37
US v Yunis (US Ct of A for D.C., 1991).....	37
Criminal Code 1995 (Cth), Div 115 (e.g., s 115.1).....	37
1982 UN Convention on the Law of the Sea, Art 101 → DEFINITION.....	37
US v Dire (Ct of A for 4th Cir, 2012) → attempt is still considered.....	37
Achille Lauro Incident → Not piracy cause only 1 boat.....	37
1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation..	38
Quasi-Universal Jurisdiction → US v Yousef (2003).....	38
1984 Convention Against Torture, Art 1(1).....	38

Pinochet (No 3) (2000) HOL.....	38
National Commissioner of the South African Police Service v Southern African Human Rights Litigation Centre (2013) SA Const Court.....	38
1945 Charter of the International Military Tribunal at Nuremberg → Definition.....	38
Polyukhovich v Commonwealth (1991).....	38
Arrest Warrant (Democratic Republic of the Congo v Belgium) (2002) (ICJ) → in absentia.....	39
Criminal Complaint against Donald Rumsfeld (2007) German Prosecutor-General.....	39
A-G v Eichmann (Dist Ct of Jerusalem, 1961) (passive personality, protective, universal jurisdiction)..	39
Nulyarimma v Thompson (FCAFC, 1999).....	39
Belgium v Senegal (2012) ICJ.....	39
(Domestic) A-G v Eichmann (Dist Ct of Jerusalem, 1961).....	40
(Domestic) State v Ebrahim (SupCTSA, 1992).....	40
(Domestic) Moti v R (2011, HCA).....	40
(International) Prosecutor v Nikolić (ICTY Appeals Chamber, 2003).....	41
Topic 8 Immunity from Jurisdiction.....	41
Pinochet (No 3) [1999] 2 All ER 97.....	41
The Schooner Exchange v McFaddon (US Supreme Court;1812) → Absolute Immunity.....	41
DRC v F C Hemisphere (2011) → Absolute Immunity.....	41
I Congresso del Partido (1983) UKHOL → Restrictive Immunity (Immunity only with respect to acts of a sovereign or governmental character (Acta jure imperii), for for acts of commercial character (acta jure gestionis).....	41
2004 Convention on Jurisdictional Immunities of States and Their Property.....	41
Foreign State Immunities Act 1985.....	42
Section 9 – ‘Except as provided by or under this Act, a foreign State is immune from the jurisdiction of the courts of Australia in a proceeding.’.....	42
PT Garuda v ACCC [2012] HCA 33.....	42
Section 10 – submission to jurisdiction by the foreign state → Waiver of Immunity.....	42
Kingdom of Spain v Infrastructure Services Luxembourg S.à.r.l. [2023] HCA 11.....	42
Republic of India v CCDM Holdings, LLC [2025] FCAFC 2.....	42
Section 11 – A foreign state is not immune in proceedings which concerns a commercial transaction...	42
PT Garuda v ACCC [2012] HCA 33 per French CJ, Gummow, Hayne and Crennan JJ.....	42
Australian International Islamic College Board Inc v Saudi Arabia [2013] QCA 129.....	43
Section 12.....	43
Section 13.....	43
Tokic v Government of Yugoslavia (1999).....	43
Section 14.....	43
Section 15.....	43
Section 16.....	43
Section 17.....	43
Section 18.....	43

Section 20.....	44
Zhang v Zemin [2010] NSWCA 255.....	44
Young v A-G (NZ) and Ministry of Defence (UK) [2019] NZSC 23.....	44
Foreign States Immunities Act 1985.....	45
s 3(3)(b).....	45
s 36.....	45
Thor Shipping A/S v ‘Al Duhail’ (2008) 252 ALR 20 (FCA).....	45
Tatchell v Mugabe (2004) 136 ILR 572 (Bow Street Magistrates’ Court).....	45
Gaddafi (2001) 125 ILR 490 (Court of Cassation, France).....	45
Arrest Warrant Case (2002) ICJ Rep 3.....	46
BEYOND TROIKA (Head of State, Head of Government and Minister for Foreign Affairs)?.....	46
Minister of Defence: Re Mofaz (UK, 2004).....	46
Minister for International Trade: Re Bo Xilai (UK, 2005).....	46
Harb v Prince Abdul Aziz Bin Fahd Bin Abdul Aziz [2015] EWCA Civ 481 (English Court of Appeal).....	47
R v Bow Street Stipendiary Magistrate; ex parte Pinochet (No 3) [1999] 2 All ER 97.....	47
Al Adsani v Kuwait (1995) 103 ILR 420 (QBD and CA).....	47
Jones v Saudi Arabia [2007] 1 AC 270 (HOL).....	47
Topic 9 Immunity from Jurisdiction II.....	47
Rome Statute of the ICC, Article 27, “Irrelevance of official capacity”.....	47
Al-Bashir case.....	48
Jurisdictional Immunities of the State (Germany v Italy) [2012] ICJ Rep 99.....	48
Jones et al v UK (14 January 2014, ECtHR).....	49
Spycatcher Case (1988) 165 CLR 30.....	50
Hicks v Ruddock (2007) 156 FCR 574.....	50
Habib v Commonwealth (2010) 183 FCR 62.....	51
1961 Vienna Convention on Diplomatic Relations (VCDR).....	51
Article 1 – several definitions, including of ‘diplomatic agent’ and ‘premises of the mission’.....	51
Article 3.....	51
Articles 4-19.....	51
Article 22(1).....	52
St James Square Incident 1984 involving killing of WPC Fletcher;.....	52
Julian Assange and Ecuador’s Embassy in London.....	52
Article 22(2).....	52
Attack on Iranian Embassy in Canberra 1992 by protesters, and assumption of liability by Australian Government.....	53
Tehran Hostages.....	53
Minister for foreign affairs v Magno.....	53
Article 29.....	53
Article 30.....	53
Article 31(1).....	53

Diplomatic Immunity Case (1973) Fam Ct of Aust.....	53
Basfar v Wong [2022] UKSC 20.....	54
Reyes v Al-Malki [2017] UKSC 61; [2019] AC 735.....	54
Article 37(1).....	55
Article 37(2).....	55
Article 37(3).....	55
Article 37(4).....	55
Article 9.....	55
Article 32.....	55
Article 39(1).....	55
Article 39(2).....	55
Topic 10 State Responsibility.....	56
Corfu Channel [1949] ICJ Rep 4 → Direct Responsibility.....	56
Trail Smelter(1938/1941) III RIAA 1905 → Direct Responsibility.....	56
Immunity from Legal Process Advisory Opinion [1999] ICJ Rep 62.....	56
Kalgoorlie Riots incident (1934) (Australian state practice).....	56
ARISWA Article 7 → Person empowered to exercise governmental authority.....	56
Youmans v Mexico (1926) IV RIAA 110.....	56
Caire Claim (1929) 5 ADPIL Cases 146.....	57
ARISWA Article 5 – Acts of non-organs of a state but they have been empowered by the law of the state to exercise elements of government authority.....	57
Article 8 – Private persons, not authorised by law.....	57
Nicaragua case [1986] ICJ Rep 14 → Control Test.....	57
Genocide Case (Bosnia/Herzegovina v Serbia/Montenegro) [2007] ICJ Rep 43.....	58
Article 9 – Where things have gone bad in a state, state organs have disappeared, where you have persons exercising government authorities in absence.....	58
Article 10(1) – As a general principle the conduct of an insurrectional (rebellion) or other movement is not attributable to the state.....	58
Bolivar Railways Company Case (1903) IX RIAA 445.....	58
Short v Iran (1987) Iran-USCTR 76’.....	59
Article 11 – Acknowledge and adopt the act of state.....	59
US Diplomatic and Consular Staff in Tehran [1980] ICJ Rep 3.....	59
Home Missionary Society Claim (1921) VI RIAA 42.....	59
Asian Agricultural Products (1991) CSID Case No. ARB/87/3.....	60
Consent (Article 20).....	60
Self-defence (Article 21).....	60
Countermeasures (Article 22).....	60
Law Debenture Trust Corpn plc v. Ukraine [2023] UKSC 11.....	60
(FULL DEFENCE) Force Majeure (Article 23).....	60
(FULL DEFENCE) Distress (Article 24).....	60
(FULL DEFENCE) Necessity (Article 25).....	60

Rainbow Warrior Arbitration (1990) XX RIAA 215.....	60
Article 42.....	61
Article 48 – a state other than an injured state is entitled to invoke the responsibility of another state if 61	
Belgium v Senegal [2012] ICJ Rep 422.....	61
Whaling Antarctic Case.....	62
Article 46 – plurality of injured states.....	62
Article 47(1) – plurality of responsible states.....	62
Chorzow Factory Case (1928) PCIJ (ser. A) No. 17.....	62
Article 31.....	62
Article 34.....	62
Article 35 (restitution).....	62
Article 36 (compensation).....	62
Article 37 (satisfaction).....	62
Topic 11 State Responsibility II.....	63
Panevezys- Saldutiskis Railway Case 1938 PCIJ (ser A/B) No 76 (re Estonian company with concession in Lithuania).....	63
Barcelona Traction [1970] ICJ Rep 3.....	63
Abbasi v Sec of State [2002] EWCA Civ 1598.....	63
Hicks v Ruddock (2007) 156 FCR 574.....	63
Neer v Mexico (1926) 4 RIAA 60.....	63
Quintanilla (1926) 4 RIAA 101.....	64
Loewen Group v US (2006) NAFTA Arbitration Tribunal.....	64
2001 Articles on State Responsibility, Article 44.....	64
Re (Al Rawi and Others) Secretary of State [2006] EWCA Civ 1279 (re initial refusal of UK to intervene with regard to British non-citizen residents detained by US in Guantanamo Bay).....	64
2006 Draft Articles on Diplomatic Protection.....	64
Article 4.....	64
Article 8.....	64
Nottebohm (Liechtenstein v Guatemala) [1955] ICJ Rep 4.....	64
2006 Draft Articles on Diplomatic Protection, Art 6.....	65
2006 Draft Articles on Diplomatic Protection, Art 7.....	65
2006 Draft Articles on Diplomatic Protection, Art 7.....	65
2006 Draft Articles on Diplomatic Protection, Article 9.....	65
Barcelona Traction Case (Belgium v Spain) [1970] ICJ Rep 3.....	65
2006 Draft Articles on Diplomatic Protection, Article 11.....	66
2006 Draft Articles on Diplomatic Protection, Article 12.....	66
Diallo Case (Guinea v DRC) [2007] ICJ Rep 582.....	66
2006 Draft Articles on Diplomatic Protection, Article 14.....	67
2006 Draft Articles on Diplomatic Protection, Article 15.....	67
Finnish Shipowners Arbitration (1934) 3 RIAA 1479.....	67

Norwegian Loans Case [1957] ICJ Rep 9 (re Norwegian bonds held by French nationals).....	67
Electronica Sicula SpA (ELSI) Case [1989] ICJ Rep 15 (re Italian govt’s requisition of property of ELSI, an Italian company owned by US companies).....	67
Ambatielos Arbitration (Greece v UK) (1956) 12 RIAA 83 (re failure to call a witness in UK proceedings).....	67
Topic 12 Use of Force.....	68
UN Charter, Preamble, first recital.....	68
Article 2(4).....	68
Declaration on Friendly Relations 1970 (GA Res 2625).....	68
Resolution on Definition of Aggression 1974 (GA Res 3314).....	68
Nuclear Weapons Advisory Opinion (1996), [47].....	69
(Nicaragua (1986), [227]).....	69
UN Charter – Art 51.....	69
Nicaragua.....	69
2. Did the Use of Force Cross the Threshold of an “Armed Attack”?.....	69
<input checked="" type="checkbox"/> Indicators that an armed attack has occurred:.....	70
<input type="checkbox"/> Does not amount to an armed attack:.....	70
2002 US National Security Strategy.....	71
Caroline Case 1841/1842 → incident tho cause never went to court.....	71
Oil Platforms (2003).....	71
Armed Activities Case (2005).....	71
Nicaragua Case (Nicaragua v United States) [1986] ICJ Rep 14.....	71
o ICJ in Israeli Wall (2004) case said yes.....	72
o ICJ in Armed Activities (2005) expressly reserved opinion (see [147]).....	72
o UNSC Res 1368, 1373 (2001).....	73
UN Charter, Chapter VII.....	73
Article 39.....	73
Article 42.....	73
UK legal position, 2013.....	73
2001 International Commission on Intervention and State Responsibility Commission.....	73
Topic 13 International Dispute Settlement.....	74
UN Charter Art 33(1).....	74
Ukraine v Russia [2019] ICJ Rep 558.....	74
South West Africa [1962] ICJ 319.....	75
1899 Hague Convention for the Pacific Settlement of Disputes.....	75
Dogger Bank Inquiry.....	75
1928 General Act for the Pacific Settlement of International Disputes.....	76
1948 Pact of Bogota.....	76
1982 UN Convention on the Law of the Sea (UNCLOS).....	76
Australia – Timor Leste Conciliation.....	77

South China Sea Arbitration (Philippines v China, 2016) → Inter-State Arbitration (between 2 or more countries).....	78
Philip Morris v Australia (2015) → Investor-State Arbitration.....	78
Statute of International Court of Justice.....	78
Jurisdiction under Art 36(2) (74 states but many include reservations).....	79
Whaling in the Antarctic Case [2014] ICJ Rep 226.....	79
Nicaragua Case (Nicaragua v United States) [1984] ICJ Rep 392.....	79
Norwegian Loans Case (France v Norway) [1957] ICJ Rep 9.....	80
Interhandel Case (Switzerland v United States) [1959] ICJ Rep 6.....	80
Marshall Islands Case [2016] ICJ Rep 833.....	81
Monetary Gold (Italy v France, UK and US) [1954] ICJ Rep 19.....	82
East Timor (Portugal v Australia) [1995] ICJ Rep 6.....	82
Legal Consequences of the Construction of a Wall in Occupied Palestinian Territory [2004] ICJ 136... 82	
ICJ Statute, Art 41.....	83
La Grand (Germany v United States) [2001] ICJ Rep 466.....	83
Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaze Strip (South Africa v Israel).....	83

Topic 2 Sources of Law

Article 38 of Statute of International Court of Justice

sources of public international law:

- (a) International conventions (treaties)
- (b) International custom (customary international law)
- (c) General principles of law
- (d) Judicial decisions and teachings of publicists (academics)

Ure v Commonwealth (2016) 329 ALR 452

Article 38(1) is 'generally regarded as a complete statement of the sources of international law'. whether there is a rule of international law pursuant to which an individual can acquire proprietary rights over terra nullius which nation states must recognise – whether such a rule existed as a matter of customary international law.

Facts

On 5 May 2016 the High Court (Nettle and Gordon JJ) refused an application for special leave to appeal from the decision of the Federal Court in 'Ure v Commonwealth' (2016) 236 FCR 458. In that decision, the Full Court (Perram, Robertson and Moshinsky JJ), holding in favour of the Commonwealth, rejected an argument that there is a rule of international law that private individuals acting in a private capacity may acquire for themselves proprietary rights over land regarded as 'terra nullius', and those rights must be recognised by nation states.

Customary International Law

North Sea Continental Shelf Case (Germany v Denmark; Germany v Netherlands) [1969] ICJ Rep 3

- Germany continental shelves are overlapping.
- Need a rule? Equidistance?
- Netherlands/Denmark argued that Art 6 of the Geneva Convention on the Cont. Shelf, which used equidistance approach, was customary (nb. Germany not a party to the Convention).
- ICJ Held that treaty norms could become custom, but not in this instance.
- Treaty norms can become custom, but not automatically.
- Widespread and representative participation needed.
- Short time not a bar, but practice must be extensive and uniform.

Military and Paramilitary Activities in and against Nicaragua [1986] ICJ Rep 14

Background: Nicaragua filed a case before the International Court of Justice (ICJ) on 9 April 1984, alleging that the United States was responsible for military and paramilitary activities in and against Nicaragua, including mining its ports.

- **Provisional Measures:** On 10 May 1984, the ICJ ordered the U.S. to cease actions restricting access to Nicaraguan ports, especially the laying of mines, and reaffirmed Nicaragua's sovereign rights under international law.
- **Jurisdiction:**
 - The U.S. challenged the Court's jurisdiction.
 - El Salvador attempted to intervene, but the Court rejected this on 4 October 1984.
 - On 26 November 1984, the ICJ ruled it had jurisdiction under Article 36(2) and (5) of its Statute, based on Nicaragua's 1929 and the U.S.'s 1946 declarations.
- **U.S. Non-Participation:** The U.S. withdrew from proceedings in January 1985 and did not participate in the merits phase.
- **Merits Judgment (27 June 1986):**
 - The ICJ rejected the U.S.'s justification of **collective self-defence**.
 - Found the U.S. had violated **customary international law**, including:
 - The **prohibition on the use of force**
 - The **principle of non-intervention**
 - **Respect for sovereignty**
 - **Freedom of maritime commerce**
 - Found breaches of the **1956 Treaty of Friendship, Commerce and Navigation**, including acts that deprived the treaty of its object and purpose.
- **Reparations:** The Court ordered the U.S. to cease its unlawful actions and to make full reparation. Proceedings on the amount of reparations were initiated but never concluded, as Nicaragua discontinued the case in 1991. The U.S. welcomed the discontinuance.

Nicaragua v Colombia [2023] ICJ Rep 413

(Dissenting) Judge Charlesworth says they were too quick and harsh to come to a conclusion. She was not convinced that there was *opinio juris*. She notes that there were other considerations other than legal to explain the practice. Diplomatic reasons as well.

(Regional Customary International Law) Asylum Case (Colombia v Peru) [1950] ICJ Rep 266

The Asylum Case (Colombia v. Peru) ICJ Rep 266, concerned the granting of diplomatic asylum by Colombia to Victor Raúl Haya de la Torre, a Peruvian political leader, in the Colombian Embassy in Lima. The core issue was whether Colombia, as the asylum-granting state, had the right to unilaterally