

International Law

Public International Law offers a comprehensive understanding of international law as well as a fresh and highly accessible approach. While explaining the theory and development of international law, this work also examines how it functions in practice. C

The case of Quebec within Canada, and the Supreme Court of Canada's case on the legality of secessionist attempts by Quebec, is one example of the tension associated with the relationship between self-determination and a right of secession. The object of the book is to render available to the international community the expert opinions and legal arguments associated with the Supreme Court of Canada's decision on the "Quebec Secession Reference." The questions put to the Court in large part concerned international law, leading the parties to the Reference to seek opinions from international law experts around the world as they prepared their arguments which are presented in this book. Self-determination is an idea rooted in human dignity and its meaning and force parallel the emergence of new understandings of the nature of sovereignty and the role of international law in the protection of human rights. The UN Human Rights Committee has identified self-determination as one of the most awkward principles to define because abuse of this right could jeopardize international peace and security. Self-determination, as formulated by the International Court of Justice, requires a free and genuine expression of the will of the peoples concerned. But serious questions remain about the extent of the relationship between self-determination and a right of secession. Does self-determination legitimate internal self-government, association of some kind with another state, or statehood, and in what contexts? Although human trafficking has a long and ignoble history, it is only recently that trafficking has become a major political issue for states and the international community and the subject of detailed international rules. Anne T. Gallagher calls on her direct experience working within the United Nations to chart the development of new international laws on this issue. She links these rules to the international law of state responsibility as well as key norms of international human rights law, transnational criminal law, refugee law and international criminal law, in the process identifying and explaining the major legal obligations of states with respect to preventing trafficking, protecting and supporting victims, and prosecuting perpetrators. This book is a groundbreaking work: a unique and valuable resource for policymakers, advocates, practitioners and scholars working in this controversial and important field.

This book examines theoretical and practical issues concerning the relationship between international law, time and history. Problems relating to time and history are ever-present in the work of international lawyers, whether understood in terms of the role of historic practice in the doctrine of sources, the application of the principle of inter-temporal law in dispute settlement, or in gaining a coherent insight into the role that was played by international law in past events. But very little has been written about the various different ways in which international lawyers approach or understand the past, and it is with a view to exploring the dynamics of that engagement that this book has been compiled. In its broadest sense, it is possible to identify at least three different ways in which the relationship between international law and (its) history may be conceived. The first is that of a "history of international law" written in narrative form, and mapped out in terms of a teleology of origins, development, progress or renewal. The second is that of "history in international law" and of the role history plays in arguments about law itself (for example in the construction of customary international law). The third way of understanding that relationship is in terms of "international law in history": of understanding how international law has been engaged in the creation of a history that in some senses stands outside the history of international law itself. The essays in this collection make clear that each type of engagement with

history and international law interweaves various different types of historical narrative, pointing to the typically multi-layered nature of international lawyers' engagement with the past and its importance in shaping the present and future of international law.

This book is devoted to an examination of the legal status of government merchant ships while on the high seas or in the waters of foreign states in time of peace. The object of this examination is to ascertain whether there is any rule of international law which accords such a ship a higher status than that of private merchant ships. Whether government merchant ships, unlike private ships, are entitled to certain immunities from the jurisdiction of foreign states is the question that we have set out to answer in this book. A discussion of the rules concerning the nationality of such a ship or the jurisdiction of the flag state over her does not find a place in this work. A government merchant ship may be defined as a merchant ship owned or operated by a state. Immunity of a ship here means the exemption of a government ship from the jurisdiction of any state other than the flag state. This term also connotes the immunity of the flag state from the jurisdiction of the tribunals of foreign states in respect of proceedings connected with such a ship. Immunity of persons means the exemption of persons in the service of a government ship, or other persons on board her, from the jurisdiction of any state other than the flag state. International Law provides a fresh, student-focused approach and European perspective on the central issues in public international law. Providing ideal coverage for short foundational courses, this engaging textbook introduces all the essential topics in a concise and manageable way. Dedicated chapters on environmental law, economic law, and human rights are included, ensuring that appropriate coverage is given to the various areas affected by international law. The core topics are fully explained in plain terms and the principles and key terminology outlined in an accessible style. Taking a critical perspective throughout, Henriksen introduces the areas of debate and builds students' confidence in understanding the complexities of the international legal system and its operation across borders. Particular emphasis is placed on the key issues in civil law jurisdictions, making this text perfectly suited for students based in mainland Europe. A range of learning features highlight the important areas of debate and encourage students to engage critically with important disputes. Central issues boxes introduce each chapter, highlighting the controversies and key principles explored; chapter summaries provide an overview for students to review their understanding of a particular topic; discussion questions encourage students to apply their knowledge to addressing specific problems within the context of the subject; and carefully selected recommended reading lists guide students' wider research and enable them to broaden and consolidate their learning. Online Resources International Law offers a range of freely available materials to support lecturers and students in their studies. These resources include: - Short podcasts introducing the core topics covered - Advice on answering the Questions for Discussion at the end of each chapter - Links to other international law resources

Several low-lying atoll island states are at risk of losing their entire territory due to climate change-induced sea level rise. In *Disappearing Island States in International Law*, Jenny Grote Stoutenburg analyzes the international legal implications of this unprecedented situation.

The debate about the relationship between international and community law usually centres on the question of which of these two 'belongs' to the other, and how 'special' community legal order is in relation to international law. In this volume, a distinguished group of Finnish and British academics and practitioners break new ground by, instead of becoming mired in these questions, clearly examining the international law aspects of the activities of the Community and the Union. In doing so, they have elucidated points of connection and possible points of conflict. The result is a thought-provoking collection of essays which examines

rapidly become indispensable to children's rights lawyers...' C.M. Chinkin, University of Southampton 'Among numerous publications dealing with the subject of promotion and protection of the rights of the child issued up to date, G. Van Bueren's *The International Law on the Rights of the Child* is the most serious monograph in the field of international law.' This addition to the *Elements of International Law* series explores the dynamic discipline of international tax law, with a particular focus on how the international tax regime is embedded within the broader context of international law. In Africa. The new states and the United Nations. Modern.

A concise, authoritative introduction to public international law. *Public International Law* is an introductory textbook, written specifically for a one-semester course. Taking a unique Australian perspective, it provides students with the tools to analyse, critique, and deepen their understanding of public international law. This book is an authoritative guide, offering a coherent and systematic analysis of the underpinning theory and practice of international law. Included are topics unique to the teaching of international law, such as human rights law, law of the sea and international criminal law, among other thought-provoking topics. It aims to inspire Australian students in their interest of public international law so they can grow to be practitioners who practise law with the rigour it requires. **Key Features** A strong pedagogical structure provides students with the tools to develop a critical and contextual understanding of the nature and sources of international law. Important international law matters are covered, including topical areas such as international economic law and protection of the environment. Treaties and their ramifications are given in-depth coverage. Topical case studies from both Australian and international perspectives provide examples of how theory translates to practice. A dedicated chapter on reflection encourages student development in thinking about the broader impacts and implications of international law. Rules of customary international law provide basic legal protections to foreign investors doing business abroad. These rules remain of fundamental importance today despite the growing number of investment treaties containing substantive investment protection. In this book, Patrick Dumberry provides a comprehensive analysis of the phenomenon of custom in the field of international investment law. He analyses two fundamental questions: how customary rules are created in this field and how they can be identified. The book examines the types of manifestation of State practice which should be considered as relevant evidence for the formation of customary rules, and to what extent they are different from those existing under general international law. The book also analyses the concept of States' *opinio juris* in investment arbitration. Offering guidance to actors called upon to apply customary rules in concrete cases, this book will be of significant importance to those involved in investment arbitration.

In 1989, when the Cold War ended, there were six permanent international courts. Today there are more than two dozen that have collectively issued over thirty-seven thousand binding legal rulings. *The New Terrain of International Law* charts

the developments and trends in the creation and role of international courts, and explains how the delegation of authority to international judicial institutions influences global and domestic politics. *The New Terrain of International Law* presents an in-depth look at the scope and powers of international courts operating around the world. Focusing on dispute resolution, enforcement, administrative review, and constitutional review, Karen Alter argues that international courts alter politics by providing legal, symbolic, and leverage resources that shift the political balance in favor of domestic and international actors who prefer policies more consistent with international law objectives. International courts name violations of the law and perhaps specify remedies. Alter explains how this limited power--the power to speak the law--translates into political influence, and she considers eighteen case studies, showing how international courts change state behavior. The case studies, spanning issue areas and regions of the world, collectively elucidate the political factors that often intervene to limit whether or not international courts are invoked and whether international judges dare to demand significant changes in state practices.

Global Private International Law is a groundbreaking casebook, combining the expertise of over sixty international and interdisciplinary contributors who analyze key legal proceedings in order to provide a comprehensive study of the impact of globalisation on the law. Providing a unique and clearly structured tool, this book presents an authoritative collection of carefully selected global case studies. Some of these are considered global due to their internationally relevant subject matter, whilst others demonstrate the blurring of traditional legal categories in an age of accelerated cross-border movement. The study of the selected cases in their political, cultural, social and economic contexts sheds light on the contemporary transformation of law through its encounter with conflicting forms of normativity and the multiplication of potential fora. Key Features: * the specific global scope allows the reader to gain a contextualised understanding of legal transformation * each case has two commentaries from different viewpoints, ensuring a nuanced perspective on the implications of the global turn in private international law and its importance for adjudication * an astute combination of theory and practice ensures readers gain an understanding of the relevance of innovative legal theories in interpreting concrete cases in a changing world * comparative material and ground-breaking analysis make this book eminently suitable for use with students and a useful tool for researchers and courts confronted with novel topics or issues.

In this book, Anaya presents an integrated overview of the historical, contemporary, and emerging international law related to indigenous peoples. This book will provide policy makers with a theoretically based practical overview of the international law in the field.

Clear and concise: a landmark publication in the teaching of international law from one of the world's leading international lawyers.

Is it citizenship of a state or status as a human being that confers human rights on a person? If a person is stateless, how, and in what way, do human rights still apply to them? This book addresses these questions in the context of international human rights law and the notion of the 'right to have rights'.

Bringing together a highly diverse body of scholars, this comprehensive Research Handbook explores recent developments at the intersection of international law, sociology and social theory. It showcases a wide range of methodologies and approaches, including those inspired by traditional social thought as well as less familiar literature, including computational linguistics, performance theory and economic sociology. The Research Handbook highlights anew the potential contribution of sociological methods and theories to the study of

international law, and illustrates their use in the examination of contemporary problems of practical interest to international lawyers. This book analyzes how the European Court of Human Rights (ECtHR) and the Inter-American Court of Human Rights (IACtHR) deal with general international law. In light of the concerns of various authors about the fragmentation of international law and the "human rightist" aspirations of human rights law, the question arises whether these human rights courts put the unity of general international law into danger. The main idea of this study is that the ECtHR and the IACtHR may, in principle, only "elaborate" and not "depart" from or "contradict" general international law. A departure is only acceptable if a clear *lex specialis* has been established for human rights law. The author researches whether or not the sometimes different case law of both human rights courts fits into this assumption. Almost all topics of general international law that have been dealt with by the ECtHR and IACtHR are analyzed, including: reservations * application of treaties * *ratione temporis*, *ratione loci*, and *ratione personae* * interpretation rules * the theory of the sources of international law * *jus cogens* * modification and withdrawal from treaties * diplomatic protection * exhaustion of local remedies * state responsibility (including the law of reparations) * foreign state immunity * state succession. This volume will be of interest not only to human rights lawyers, but to all international lawyers. It explains how certain traditional concepts of general international law appear to function, and how other concepts need to be refined in order to create a more effective international order. This analysis may be a source of inspiration for other subsystems of international law like environmental law, WTO law, maritime law, space law, etc.

Offering a nuanced and realistic account of the authority of international law, this book discusses whether international law is obeyed, and the type of duties it imposes on the state. Through a review of present accounts ranging from the mainstream to extra-disciplinary, the extent of authority is explored.

International Law in the Long Nineteenth Century gathers ten studies that reflect the ever-growing variety of themes and approaches that scholars from different disciplines bring to the historiography of international law in the period. *Understanding International Law* presents a comprehensive, accessible introduction to the various aspects of international law while addressing its interrelationship with world politics. Presents well-organized, balanced coverage of all aspects of international law Features an accompanying website with direct access to court cases and study and discussion questions. Visit the site at: www.wiley.com/go/internationallaw Includes discussion of the efficacy of international law, a topic unique among international law texts Offers discussion of other topics that most texts do not address, such as complete chapters on making the world safer, human rights, the environment, and the world economy While a more traditional approach to international law and armed conflict focuses on the use of force and international humanitarian law, this book incorporates other international legal regimes such as human rights law, international private law, international criminal law, environmental law, as well as regional and national legal regimes. In doing so, a broader picture emerges and reveals the current challenges faced by lawyers in regulating armed conflicts. This in turn highlights the complexities, intricacies, and the interrelationship of the different regimes that may be rendered applicable to armed conflicts. Also, in taking a more inclusive approach, this book provides a new perspective on both existing and emerging

themes in this field. The topics covered in this book include privatisation of warfare, protection of the environment, use of natural resources to support armed conflicts, involvement of children in armed conflicts, the relationship between peace, security and justice.

Research Handbook on International Law and Natural Resources provides a systematic and comprehensive analysis of the role of international law in regulating the exploration and exploitation of natural resources. It illuminates interactions and tensions between international environmental law, human rights law and international economic law. It also discusses the relevance of soft law, international dispute settlement, as well as of various unilateral, bilateral, regional and transnational initiatives in the governance of natural resources. While the Handbook is accessible to those approaching the subject for the first time, it identifies pressing areas for further investigation that will be of interest to advanced researchers.

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