



Remedies in International Law

The Institutional Dilemma

Malcolm Evans

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Remedies In International Law The Institutional Dilemma Remedies In International Law

**André Nollkaemper, August
Reinisch, Ralph Janik, Florentina
Simlinger**

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Procedures in International Law Gernot Biehler, 2008-09-08 Containing a synopsis of national bases of jurisdiction one of the first of its kind international law is presented here through litigation Legal procedures determine what the law is The great variety of procedures which determine international law including diplomatic means are comprehensively examined This perspective is original and helps to explain foreign policy expediences and conflicting prescriptive rules Written as an academic study the book is also meant to benefit those practising in the field *International Law in Domestic Courts* André Nollkaemper, August Reinisch, Ralph Janik, Florentina Simlinger, 2018-11-22 The application of international law by domestic courts has gained increasing attention in recent years In an ever more interconnected world domestic courts now make reference to judgments by foreign courts when faced with similar or identical legal problems involving international law Their judgments see increasing recognition of their pivotal role in shaping and interpreting international law Understanding them will be of use for any practitioner and scholar in international law International Law in Domestic Courts Oxford s online collection of domestic court decisions which apply international law has been providing scholars with at your fingertips access to analysis and commentary for more than a decade First established in 2006 it now includes over 1 700 judgments of cases involving international law related aspects from nearly 100 countries and continues to expand This Casebook is the perfect companion presenting a selection of the most important cases along with a commentary to give a holistic overview of the use of international law in national courts and how the jurisprudence has developed international law itself Practitioners students and academics will find this an invaluable resource when faced with the complex questions of applying international law in domestic courts **International Law** Malcolm David Evans, 2014 Clearly and accessibly written this new text provides a valuable resource for undergraduate and postgraduate students of international law and covers subjects including the history theories and sources of international law as well as current areas of interest such as international criminal law **International Dispute Settlement** J. G. Merrills, 2005-10-27 A completely updated edition of a definitive survey of the peaceful settlement of disputes a key aspect of international law and international relations Many methods of handling such disputes have been developed and this book explains what the relevant techniques and institutions are how they work and when they are used Separate chapters cover the various diplomatic methods negotiation mediation inquiry and conciliation the legal methods arbitration and judicial settlement the special arrangements for disputes concerning trade or the law of the sea and the role of the United Nations and regional organisations The strengths and limitations of each method are illustrated with numerous examples taken from international practice This new edition deals with many current developments including the latest UN peace keeping operations the work of the WTO and of the International Tribunal for the Law of the Sea and the latest case law of the International Court of Justice The Perplexities of Modern International Law Académie de Droit International de la Ha Staff, Shabtai Rosenne, 2002 The Academy is an

institution for the study and teaching of Public and Private International Law and related subjects Its purpose is to encourage a thorough and impartial examination of the problems arising from international relations in the field of law The courses deal with the theoretical and practical aspects of the subject including legislation and case law All courses at the Academy are in principle published in the language in which they were delivered in the Collected Courses of the Hague Academy of International Law The contents of this volume consist of The Perplexities of Modern International Law General Course on Public International Law by Sh ROSENNE former Ambassador of Israel Jerusalem To access the abstract texts for this volume please click here

The Making of International Law Alan Boyle,Christine Chinkin,2007-02-22 This is a study of the principal negotiating processes and law making tools through which contemporary international law is made It does not seek to give an account of the traditional and untraditional sources and theories of international law but rather to identify the processes participants and instruments employed in the making of international law It accordingly examines some of the mechanisms and procedures whereby new rules of law are created or old rules are amended or abrogated It concentrates on the UN other international organisations diplomatic conferences codification bodies NGOs and courts Every society perceives the need to differentiate between its legal norms and other norms controlling social economic and political behaviour But unlike domestic legal systems where this distinction is typically determined by constitutional provisions the decentralised nature of the international legal system makes this a complex and contested issue Moreover contemporary international law is often the product of a subtle and evolving interplay of law making instruments both binding and non binding and of customary law and general principles Only in this broader context can the significance of so called soft law and multilateral treaties be fully appreciated An important question posed by any examination of international law making structures is the extent to which we can or should make judgments about their legitimacy and coherence and if so in what terms Put simply a law making process perceived to be illegitimate or incoherent is more likely to be an ineffective process From this perspective the assumption of law making power by the UN Security Council offers unique advantages of speed and universality but it also poses a particular challenge to the development of a more open and participatory process observable in other international law making bodies

International Law Jan Klabbbers,2013-03-28 Written by one of the world s leading international lawyers this is a landmark publication in the teaching of international law International law can be defined as the rules governing the legal relationship between nations and states but in reality it is much more complex with political diplomatic and socio economic factors shaping the law and its application This refreshingly clear concise textbook encourages students to view international law as a dynamic system of organizing the world Bringing international law back to its first principles the book is organised around four questions where does it come from To whom does it apply How does it resolve conflict What does it say Building on these questions with both academic rigour and clarity of expression Professor Klabbbers breathes life and energy into the subject Footnotes point students to the wider academic debate while chapter

introductions and final remarks reinforce learning *A 'Stepped Approach' to Disputes on International Watercourses* Riley T. Denoon, 2025-07-10 With increasing global pressure on scarce international water resources the importance of dispute avoidance and resolution at the international level cannot be understated *A Stepped Approach to Disputes on International Watercourses* explores a conceptual and practical framework for addressing these complex challenges presenting a structured multi faceted approach that integrates technical expertise diplomatic negotiations and when necessary binding adjudication Drawing on a broad analysis of 225 international watercourse agreements it puts forward a stepped approach as an important tool that can foster cooperation prevent conflicts and ensure the equitable and sustainable use of our shared water resources **Environmental Laws and Their Enforcement - Volume II** A. Dan Tarlock, John C.

Dernbach, 2009-11-25 *Environmental Laws and Their Enforcement* is a component of *Encyclopedia of Social Sciences and Humanities* in the global *Encyclopedia of Life Support Systems EOLSS* which is an integrated compendium of twenty one Encyclopedias The volume on *Environmental Laws and Their Enforcement* deals in two volumes with a myriad of issues of great relevance to our world such as Sustainable Development and National Governance History of Environmental Law International Environmental Law Constitutional Law International Binding Mechanisms Laws Governing Freshwater and Ground Water Pollution Forestry Biodiversity Conservation and Endangered Species Protection International Guidelines and Principles Compliance Models for Enforcement of Environmental Laws And Regulations International Environmental Law Life Support Systems Law and Policy The Principle of Sustainable Development in International Development Law Environmental Pollution Regulations Social Concerns for Environmental Exposures to Toxic Substances Regulation of Air and Pollutants These volumes are aimed at the following five major target audiences University and College Students Educators Professional Practitioners Research Personnel and Policy Analysts Managers and Decision Makers and NGOs

International Courts and Environmental Protection Tim Stephens, 2009-02-12 International environmental law has come of age yet the global environment continues to deteriorate The challenge of the twenty first century is to reverse this process by ensuring that governments comply fully with their obligations and progressively assume stricter duties to preserve the environment This book is the first comprehensive examination of international environmental litigation Analysing the spectrum of adjudicative bodies that are engaged in the resolution of environmental disputes it offers a reappraisal of their relevance in contemporary contexts The book critiques the contribution that arbitral awards and judicial decisions have made to the development of environmental law and considers the looming challenges for international litigation With its unique combination of scholarly analysis and practical discussion this work is especially relevant to an era in which environmental matters are increasingly being brought before international jurisdictions and will be of great interest to students and scholars engaged with this vital field **Disobeying the Security Council** Antonios Tzanakopoulos, 2013-02-14 This book examines how the United Nations Security Council in exercising its power to impose binding non forcible measures sanctions

under Article 41 of the UN Charter may violate international law The Council may overstep limits on its power imposed by the UN Charter itself and by general international law including human rights guarantees Such acts may engage the international responsibility of the United Nations the organization of which the Security Council is an organ Disobeying the Security Council discusses how and by whom the responsibility of the UN for unlawful Security Council sanctions can be determined in other words how the UN can be held to account for Security Council excesses The central thesis of this work is that states can respond to unlawful sanctions imposed by the Security Council in a decentralized manner by disobeying the Security Council s command In international law this disobedience can be justified as constituting a countermeasure to the Security Council s unlawful act Recent practice of states both in the form of executive acts and court decisions demonstrates an increasing tendency to disobey sanctions that are perceived as unlawful After discussing other possible qualifications of disobedience under international law the book concludes that this practice can and should be qualified as a countermeasure

Our Earth Matters Bharat H. Desai, 2021-06-15 On 21 May 2019 it was officially recognized that we are now living in the Anthropocene our earth s latest geological epoch named for the unmistakable imprint of human activities This announcement came almost 60 years after the publication of Rachel Carson s landmark work of environmental writing *Silent Spring* and next year 2022 it will be 50 years since the first UN Conference on the Human Environment held in Stockholm in June 1972 This book *Our Earth Matters Pathways to a Better Common Environmental Future* is a special issue of the journal *Environmental Policy and Law* which was first published in 1975 It presents 21 invited contributions by outstanding scholars from around the world which examine existing global regulatory approaches processes instruments and institutions for the protection of the global environment The articles are grouped under four headings Prognoses Processes Problematique and Prospects and in them the authors have sought to explore answers to the existential environmental crisis They urge us to ponder our reckless destruction of natural spaces endangering of plant and animal species poisoning of the environment and general disturbance of our essential ecological processes The primary objective of the book is to raise the awareness of the global audience by inspiring scholars and decision makers to re examine current global approaches to environmental issues and explore the future trajectory with new ideas and frameworks for international environmental governance in the 21st century and beyond The book will be of interest to all those working to secure the sustainable future of the human race on our only abode planet Earth Bharat H Desai is Professor of International Law and Jawaharlal Nehru Chair in International Environmental Law Centre for International Legal Studies School of International Studies Jawaharlal Nehru University New Delhi Editor in Chief of the journal *Environmental Policy Law* Amsterdam IOS Press and of the *Yearbook of International Environmental Law* Oxford OUP

Realizing Reparative Justice for International Crimes Miriam Cohen, 2020-07-02 This book provides a timely and systematic study of reparations in international criminal justice going beyond a theoretical analysis of the system established at the International Criminal Court ICC It originally engages with recent decisions and

filings at the ICC relating to reparation and how the criminal and reparative dimensions of international criminal justice can be reconciled This book is equally innovative in its extensive treatment of the significant challenges of adjudicating on reparations and proposing recommendations based on concrete experiences With recent and imminent decisions from the ICC and developments in national courts and beyond Miriam Cohen provides a critical analysis of the theory and emerging jurisprudence of reparations for international crimes their impact on victims and stakeholders *Promoting Compliance in an Evolving Climate Regime* Jutta Brunnée, Meinhard Doelle, Lavanya Rajamani, 2012 Assesses the existing compliance system of the UN climate regime and examines the key challenges for the emerging post 2012 system *Dispute Settlement in the World Trade Organization* David Palmeter, Petros C. Mavroidis, 2004-04 Any experienced lawyer knows that cases are most often won or lost on procedural grounds yet procedural issues are often considered too technical for proper treatment in legal literature In this extensively revised new edition of Palmeter and Mavroidis authoritative book on WTO dispute settlement the authors discuss all WTO dispute settlement provisions and their interpretation in WTO jurisprudence All the decisions of panels and the Appellate Body are discussed from the inception of the WTO in 1995 until the end of May 2003 Although the book contains considerable technical expertise it is at the same time written for accessibility to a wide readership This volume an essential tool for practitioners diplomats and government lawyers is a comprehensive study of compulsory third party adjudication in international law **Litigation at the International Court of Justice** Juan José Quintana, 2015-05-19 Litigation at the International Court of Justice provides a systematic guide to questions of procedure arising when States come before the International Court of Justice to take part in contentious litigation Quintana's approach is primarily empirical and emphasis is put on examples derived from actual practice This book is mainly intended to help practitioners and advisors to governments engaged in actual cases and deliberately avoids theoretical discussions favoring a pragmatic stance that is focused not so much on what authors have to say on any given topic concerning procedure but rather on presenting directly from the Court's mouth as it were what ICJ judges actually have done and said over the last ninety years concerning such questions **The Relationship Between State and Individual Responsibility for International Crimes** Beatrice Bonafè, 2009-02-23 This book offers a unique comparison between state and individual responsibility for international crimes and examines the theories that can explain the relationship between these two regimes The study provides a comprehensive and systematic analysis of the relevant international practice from the standpoint of both international criminal law and in particular the case law of international criminal tribunals and state responsibility The author shows the various connections and issues arising from the parallel establishment of state and individual responsibility for the commission of the same international crimes These connections indicate a growing need to better co ordinate these regimes of international responsibility The author maintains that a general conception according to which state and individual responsibility are two separate sets of secondary rules attached to the breach of the same primary norms can help

to solve the various issues relating to this dual responsibility This conception of the complementarity between state and individual responsibility justifies co ordination and consistent application of these two different regimes each of which aims to foster compliance with the most important obligations owed to the international community as a whole

The Statute of the International Court of Justice Andreas Zimmermann,Christian J. Tams,Karin Oellers-Frahm,Christian Tomuschat,2019-03-21 This landmark publication in the field of international law delivers expert assessment of new developments in the important work of the International Court of Justice ICJ from a team of renowned editors and commentators The ICJ is the principal judicial organ of the United Nations and plays a central role in both the peaceful settlement of international disputes and the development of international law This comprehensive Commentary on the Statute of the International Court of Justice now in its third edition analyses in detail not only the Statute of the Court itself but also the related provisions of the United Nations Charter as well as the relevant provisions of the Court s Rules of Procedure Six years after the publication of the second edition the third edition of the Commentary embraces current events before the International Court of Justice as well as before other courts and tribunals relevant for the interpretation and application of its Statute The Commentary provides a comprehensive overview and analysis of all legal questions and issues the Court has had to address in the past and looks forward to those it will have to address in the future It illuminates the central issues of procedure and substance that the Court and counsel appearing before it face in their day to day work In addition to commentary covering all of the articles of the Statute of the ICJ plus the relevant articles of the Charter of the United Nations the book includes two scene setting chapters Historical Introduction and General Principles of Procedural Law as well as important and instructive chapters on Counter Claims Discontinuation and Withdrawal and Evidentiary Issues

The Functions of International Adjudication and International Environmental Litigation Joshua

Paine,2024-05-31 This book uses environmental disputes as a focus to develop a novel comparative analysis of the functions of international adjudication Paine focuses on three challenges confronting international tribunals managing change in applicable legal norms or relevant facts determining the appropriate standard and method of review when scrutinising State conduct for compliance with international obligations and contributing to wider processes of dispute settlement The book compares how tribunals manage these challenges across four key sites of international adjudication adjudication in the World Trade Organization and under the United Nations Convention on the Law of the Sea International Court of Justice litigation and investment treaty arbitration It shows that while international tribunals perform several key functions in the contemporary international legal order they are subject to significant constraints Paine makes a genuine addition to literature on the role of international adjudication in international law which will benefit academics practitioners and policymakers

Conflict Resolution - Volume II Keith William Hipel,2009-11-10 Conflict Resolution is a component of Encyclopedia of Institutional and Infrastructural Resources in the global Encyclopedia of Life Support Systems EOLSS which

is an integrated compendium of twenty one Encyclopedias The Theme on Conflict Resolution deals with conflict which is an integral component in the utilization and management of all life support systems These volumes give a comprehensive review on Conflict Domains Warfare Internal Conflicts and the Search for Negotiated or Mediated Resolutions Analysis methods of conflict and its resolution Approaches to Conflict Resolution Formal Models for Conflict Resolution and Case Studies These two volumes are aimed at the following five major target audiences University and College students Educators Professional practitioners Research personnel and Policy analysts managers and decision makers and NGOs

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