

On the Foundations and Sources of International Law

Edited by
Ige F. Dekker and Harry H.G. Post



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On The Foundations And Sources Of International Law

**Lawrence O. Gostin, Benjamin Mason
Meier**



On The Foundations And Sources Of International Law:

On the Foundations and Sources of International Law Ige F. Dekker, Harry H. G. Post, 2011-08-27 **Formalism and the Sources of International Law** Jean d'Aspremont, 2013-05-23 This book revisits the theory of the sources of international law from the perspective of formalism It critically analyses the virtues of formalism construed as a theory of law ascertainment as a means of distinguishing between law and non law The theory of formalism is re evaluated against the backdrop of the growing acceptance by international legal theorists of the blurring of the lines between law and non law At the same time the book acknowledges that much international normative activity nowadays takes place outside the ambit of traditional international law and that only a limited part of the exercise of public authority at the international level results in the creation of international legal rules The theory of ascertainment that the book puts forward attempts to dispel some of the illusions of formalism that accompany the traditional sources of international law It also sheds light on the tendency of scholars theorists and advocates to deformalize the identification of international legal rules with a view to expanding international law The book seeks to revitalize and refresh the formal identification of rules by engaging with some tenets of the postmodern critique of formalism As a result the book not only grapples with the practice of law making at the international level but it also offers broad theoretical insights on international law dealing with the main schools of thought in legal theory positivism naturalism legal realism policy oriented jurisprudence and postmodernism This paperback edition features the author's discussion of this book on the EJIL Talk blog *History of International Law · Foundations and Principles of International Law · Sources of International Law · Law of Treaties* Sam Stuart, 2014-05-12 History of International Law Foundations and Principles of International Law Sources of International Law Law of Treaties *The Oxford Handbook on the Sources of International Law* Samantha Besson, Jean D'Aspremont, Sévrine Knuchel, 2017 This Oxford Handbook examines the sources of international law how the understanding of sources changed throughout the history of international law how the main legal theories understood sources the relationship between sources and the legitimacy of international law and how sources differ across the various sub areas of international law Theory of International Law Robert Kolb, 2016-10-20 This book seeks to analyse various aspects of international law the link being how they structure and marshal the different forces in the international legal order It takes the following approaches to the matter First an attempt is made to determine the fundamental characteristics of international law the forces that delineate and permeate its applications Secondly the multiple relations between law and policy are analysed Politics are a highly relevant factor in the implementation of every legal order and also a threat to it this is all the more true in international law where the two forces law and politics have significant links Thirdly the discussion focuses on a series of fundamental socio legal notions the common good justice legal security reciprocity plus equality and proportionality liberty ethics and social morality and reason *Research Methods in International Law* Deplano, Rossana, Tsagourias, Nicholas, 2021-07-31 This

timely Handbook contains a wide ranging overview of the diverse research methods used within international law Providing an insightful examination of how international legal knowledge is analysed and adopted this Handbook offers the reader a deeper understanding on the role and place of research methods in international legal theory reasoning and practice

Modernizing the Role of the International Court of Justice Bertrand Ramcharan, 2022-03-16 This book discusses the future role of the International Court of Justice ICJ in a world facing survival challenges It discusses threats such as climate change environmental degradation and pandemics and argues that in the future the ICJ will need to carry out judicial security and protection functions as it is the only organ of the United Nations UN that can discharge such functions in view of its independence and expertise The author proposes that the ICJ can apply a hitherto unused jurisdictional provision in Article 36 of its statute that allows it to deal with All Matters Specially Provided for in the UN Charter and presents three examples of issues that would require the urgent attention of the ICJ vaccine equity in a global pandemic climate disaster and mass movements of people across frontiers due to climate change and environmental degradation Bertrand Ramcharan Guyana is a Barrister at Law of Lincoln s Inn with a Doctorate in international law from the London School of Economics LSE and the Diploma in International Law of the Hague Academy of International Law He was LSE International Law Scholar and has been Commissioner of the International Commission of Jurists and a Member of the Permanent Court of Arbitration He has also been Director of the Research Centre of the Hague Academy of International Law The Right to Life Professor at the Geneva Graduate Institute and Chancellor of the University of Guyana He is a former Chief speech writer of the UN Secretary General and has performed the functions of UN High Commissioner for Human Rights His doctoral thesis was on the approach of the International Law Commission to the codification and progressive development of international law

International Law and Custom in Ancient India Pramathanath Bandyopadhyay, 1920 International Laws: A Modern Perspective Pasquale De Marco, 2025-05-20 In a world increasingly interconnected and interdependent international law has emerged as a vital framework for regulating relations among nations and addressing global challenges This comprehensive guide offers a profound exploration of the complexities of international law providing a multifaceted perspective on its historical foundations contemporary applications and future prospects Delve into the intricacies of international law as this book examines the diverse sources that shape its framework from treaties and customs to general principles and judicial decisions Understand the intricate relationship between international law and municipal law and explore the mechanisms for resolving disputes between states Discover the evolving landscape of international organizations from the United Nations to specialized agencies and their pivotal role in fostering cooperation and addressing global issues Gain insights into the legal frameworks governing international trade investment and intellectual property and navigate the challenges and opportunities presented by the rapidly changing global economy Explore the international legal instruments and mechanisms designed to safeguard fundamental human rights promote social justice and protect the environment Delve into the complexities of the

law of the sea international environmental law and the peaceful settlement of disputes With its comprehensive analysis of international law this book serves as an invaluable resource for students practitioners and anyone seeking to navigate the ever changing landscape of global affairs Its insightful perspectives and thorough examination of key legal principles provide a deeper understanding of the intricate web of laws and institutions that shape the international community If you like this book write a review on google books

Journal of the Department of Letters University of Calcutta. Dept. of Letters,1920 Contains contributions on various subjects notably India Buddhism ancient chronology etc International Tax Aspects of Sovereign Wealth Investors Richard Snoeij,2018-04-18 An increasing number of States have entered the market looking to invest resources in foreign assets This emergence of States acting as investors managing the wealth of a nation and competing in the marketplace with private investors has attracted growing and wide attention This book is the first in depth analysis of the international tax aspects of sovereign wealth investors and serves as a comprehensive guide to designing tax policy from a source State perspective toward inbound sovereign wealth investment Drawing on a wide range of relevant sources including international instruments domestic tax legislation administrative practice international case law and the writings of highly qualified publicists the author fully addresses the following aspects of the subject the definition functions legal form governance home State tax status etc of sovereign wealth investors tax policy considerations and objectives i e neutrality equity and international attractiveness from a source State perspective vis vis foreign sovereign wealth investors and the potential impact of the sovereign immunity principle bilateral tax treaties and European Union law on source States ability to achieve these tax policy objectives in relation to foreign sovereign wealth investors The conceptual framework developed by the author will greatly assist source States in introducing new tax policy or in evaluating or reconsidering their existing tax policy vis vis foreign sovereign wealth investors In addition practitioners academics and home States of sovereign wealth investors will welcome this first authoritative analysis of an important but insufficiently understood subject in international tax

The Oxford Handbook of the Theory of International Law Anne Orford,Florian Hoffmann,Martin Clark,2016-05-26 The Oxford Handbook of International Legal Theory provides an accessible and authoritative guide to the major thinkers concepts approaches and debates that have shaped contemporary international legal theory The Handbook features 48 original essays by leading international scholars from a wide range of traditions nationalities and perspectives reflecting the richness and diversity of this dynamic field The collection explores key questions and debates in international legal theory offers new intellectual histories for the discipline and provides fresh interpretations of significant historical figures texts and theoretical approaches It provides a much needed map of the field of international legal theory and a guide to the main themes and debates that have driven theoretical work in international law The Handbook will be an indispensable reference work for students scholars and practitioners seeking to gain an overview of current theoretical debates about the nature function foundations and future role of international law **International**

Economic Law Leïla Choukroune, James J. Nedumpara, 2021-07-22 Reconciling all fields of international economic law IEL and creating bridges between disciplines in a conceptual as well as practical manner this book stands out as the first modern comprehensive international economic law textbook Containing a technically solid yet critically rich body of knowledge that spans disciplines from trade law to investment from trade finance to fisheries subsidies from development to the digital economy and other new age topics the book offers the widest possible coverage of issues in current international economic law Positioning IEL as a truly global practice the comprehensive coverage includes various treaty texts landmark cases and new materials and is supplemented by case studies real life examples exercises and illustrations The case extracts and legal texts are selectively chosen with careful editing and serious deliberation to engage modern law students Mini chapters show examples of interdisciplinary interactions and provide a window into the future disciplines of international economic law

The Role of International Law in Rebuilding Societies After Conflict Brett Bowden, Hilary Charlesworth, Jeremy Matam Farrall, 2009-04-16 The genesis of this book was a workshop entitled Empire or Empowerment The Role of International Law in Building Democracy and Justice after Conflict held at the Australian National University in Canberra on 9 10 August 2007 *The SAGE Encyclopedia of War: Social Science Perspectives* Paul Joseph, 2016-10-11 Traditional explorations of war look through the lens of history and military science focusing on big events big battles and big generals By contrast The SAGE Encyclopedia of War Social Science Perspective views war through the lens of the social sciences looking at the causes processes and effects of war and drawing from a vast group of fields such as communication and mass media economics political science and law psychology and sociology Key features include More than 650 entries organized in an A to Z format authored and signed by key academics in the field Entries conclude with cross references and further readings aiding the researcher further in their research journeys An alternative Reader's Guide table of contents groups articles by disciplinary areas and by broad themes A helpful Resource Guide directing researchers to classic books journals and electronic resources for more in depth study This important and distinctive work will be a key reference for all researchers in the fields of political science international relations and sociology

Foundations of Global Health & Human Rights Lawrence O. Gostin, Benjamin Mason Meier, 2020-07-15 Human rights are essential to global health yet rising threats in an increasingly divided world are challenging the progressive evolution of health related human rights It is necessary to empower a new generation of scholars advocates and practitioners to sustain the global commitment to universal rights in public health Looking to the next generation to face the struggles ahead this book provides a detailed understanding of the evolving relationship between global health and human rights laying a human rights foundation for the advancement of transformative health policies programs and practices International human rights law has been repeatedly shown to advance health and wellbeing empowering communities and fostering accountability for realizing the highest attainable standard of health This book provides a compelling examination of international human rights as essential for

advancing public health It demonstrates how human rights strengthens human autonomy and dignity while placing clear responsibilities on government to safeguard the public s health and safety Bringing together leading academics in the field of health and human rights this volume 1 explains the norms and principles that define the field 2 examines the methods and tools for implementing human rights to promote health 3 applies essential human rights to leading public health threats and 4 analyzes rising human rights challenges in a rapidly globalizing world This foundational text shows why interdisciplinary scholarship and action are essential for health related human rights placing human rights at the center of public health and securing a future of global health with justice General International Law in International Investment Law Andreas

Kulick,Michael Waibel,2024 This Commentary systematically and comprehensively examines the various sources of general international law relevant to international investment law and arbitration *A Manual of International Law* Edward Miner Gallaudet,1892 **The Encyclopædia Britannica: Husband-Italic** ,1910 **The Three Laws of International**

Investment Jeswald W. Salacuse,2013-02-14 International investments are governed by three different legal frameworks 1 national laws of both the host country and the investor s home country 2 contracts whether between the investor and the host country or among investors and their associates and 3 international law consisting of applicable treaties customs and general principles of law Together these three frameworks profoundly influence the organization operation and protection of foreign investments Investors government officials and their legal counsel must therefore understand the complex interaction among these frameworks and how best to employ them to advance their interests This book examines the content of each of these three legal frameworks for international investment and explores how they influence the foreign investment process and the nature of investment transactions projects and enterprises The book is divided into five parts Part I after explaining the contemporary nature and significance of international investment examines the theoretical and practical links between law and the investment process Part II explores the nature of national laws regulating foreign investment Part III considers of the various contractual frameworks for international investments looking at their negotiation content and stability Part IV sets out the international legal framework governing foreign investment focusing on the content and nature of investment treaties and on general principles Finally Part V discusses how the three legal frameworks interact with each other By comprehensively examining each of the applicable legal frameworks this book provides a vital overview of the laws rules and regulations governing foreign investment for lawyers scholars students and government officials

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Table of Contents On The Foundations And Sources Of International Law

1. Understanding the eBook On The Foundations And Sources Of International Law
 - The Rise of Digital Reading On The Foundations And Sources Of International Law
 - Advantages of eBooks Over Traditional Books
2. Identifying On The Foundations And Sources Of International Law
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an On The Foundations And Sources Of International Law
 - User-Friendly Interface
4. Exploring eBook Recommendations from On The Foundations And Sources Of International Law
 - Personalized Recommendations
 - On The Foundations And Sources Of International Law User Reviews and Ratings
 - On The Foundations And Sources Of International Law and Bestseller Lists
5. Accessing On The Foundations And Sources Of International Law Free and Paid eBooks
 - On The Foundations And Sources Of International Law Public Domain eBooks
 - On The Foundations And Sources Of International Law eBook Subscription Services
 - On The Foundations And Sources Of International Law Budget-Friendly Options
6. Navigating On The Foundations And Sources Of International Law eBook Formats
 - ePub, PDF, MOBI, and More
 - On The Foundations And Sources Of International Law Compatibility with Devices
 - On The Foundations And Sources Of International Law Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of On The Foundations And Sources Of International Law
 - Highlighting and Note-Taking On The Foundations And Sources Of International Law
 - Interactive Elements On The Foundations And Sources Of International Law

8. Staying Engaged with On The Foundations And Sources Of International Law
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers On The Foundations And Sources Of International Law
9. Balancing eBooks and Physical Books On The Foundations And Sources Of International Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection On The Foundations And Sources Of International Law
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine On The Foundations And Sources Of International Law
 - Setting Reading Goals On The Foundations And Sources Of International Law
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of On The Foundations And Sources Of International Law
 - Fact-Checking eBook Content of On The Foundations And Sources Of International Law
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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