

*The Political Interpretation of
Multilateral Treaties*

SHIRLEY V. SCOTT

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Shirley V. Scott



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The Political Interpretation of Multilateral Treaties Shirley Scott, 2004-07-01 States have engaged in an intensive process of multilateral treaty making since World War Two despite the fact that few multilateral treaties have fully solved the problems they were designed to address This interdisciplinary study of multilateral treaties offers a balanced assessment of the function of multilateral treaties in world politics that draws out the political as distinct from the legal meaning of a treaty text The treaty establishing a regime is regarded as an agreement to set some negotiated limits on pursuit of a common foreign policy goal so that full blown pursuit of that goal will not bring the States into conflict nor jeopardize any State s pursuit of that goal States are then able to continue pursuing that goal with if anything renewed vigour albeit within the agreed limits Theorising the relationship between a treaty text and its political context establishes a basis on which to critically reconceptualize regime effectiveness and on which to develop treaty strategy for use by political actors including international lawyers Interpretation in International Law Andrea Bianchi, Daniel Peat, Matthew Windsor, 2015 International lawyers have long recognised the importance of interpretation to their academic discipline and professional practice As new insights on interpretation abound in other fields international law and international lawyers have largely remained wedded to a rule based approach focusing almost exclusively on the Vienna Convention on the Law of Treaties Such an approach neglects interpretation as a distinct and broader field of theoretical inquiry Interpretation in International Law brings international legal scholars together to engage in sustained reflection on the theme of interpretation The book is creatively structured around the metaphor of the game which captures and illuminates the constituent elements of an act of interpretation The object of the game of interpretation is to persuade the audience that one s interpretation of the law is correct The rules of play are known and complied with by the players even though much is left to their skills and strategies There is also a meta discourse about the game of interpretation playing the game of game playing which involves consideration of the nature of the game its underlying stakes and who gets to decide by what rules one should play Through a series of diverse contributions Interpretation in International Law reveals interpretation as an inescapable feature of all areas of international law It will be of interest and utility to all international lawyers whose work touches upon theoretical or practical aspects of interpretation **International Law, US Power** Shirley V. Scott, 2012-03-22 Shirley Scott explains how the USA has benefited from continuity in its strategic engagement with international law Power, Politics, Law: International Law and State Behaviour During International Crises Radhika Withana, 2008-07-31 This volume addresses the question as to where international law fits into the making and implementation of foreign policy during an international crisis in which a State is considering and or may actually use force Empirical literature on the law State behaviour relationship during international crises has not been able to answer this question adequately The limitations of existing empirical literature are identified as stemming from the limitations of existing positivist realist and functionalist theoretical

explanations of the law State behaviour relationship These theoretical approaches which underpin existing empirical literature on international crises assume that international law matches what is referred to in this book as its rule book image This is the notion of international law as a finite set of objective politically neutral rules that can be applied so as to distinguish objectively between legal and illegal action The rule book image of international law does not match reality but the assumption that it is true underpins both theoretical literature and references to international law in political rhetoric The rule book image and the reality of international law have been reconciled within the theory of International law as Ideology ILI as developed by Shirley Scott This book hypothesises that an ILI perspective offers a better explanation of the law State behaviour relationship during international crises than rival explanations grounded in positivism realism or functionalism Four case studies of State behaviour of the US the Soviet Union and the PRC during the Korean War 1950 1953 of the US and UK during the Suez crisis 1956 of the US and the Soviet Union during the Cuban Missile Crisis 1962 and of the US and an alliance of Latin American States during the Dominican Republic crisis 1965 are used to test the hypothesis The findings confirm the greater explanatory efficacy of ILI and demonstrate that the significance of international law to foreign policy decision making during international crises is more than that of deterring the use of force as is assumed by rival theoretical approaches grounded in a rule book image of international law International law is shown to serve as a vehicle for inter State competition during international crises

Interpretation of International Investment Treaties Tarcisio Gazzini, 2016-11-03 This book offers a systematic study of the interpretation of investment related treaties primarily bilateral investment treaties the Energy Charter Treaty Chapter XI NAFTA as well as relevant parts of Free Trade Agreements The importance of interpretation in international law cannot be overstated and indeed most treaty claims adjudicated before investment arbitral tribunals have raised and continue to raise crucial and often complex issues of interpretation The interpretation of investment treaties is governed by the Vienna Convention on the Law of Treaties VCLT The disputes relating to these treaties however are rather peculiar as they place multinational companies or natural person in opposition to sovereign governments Fundamental questions dealt with in the study include Are investment treaties a special category of treaty for the purpose of interpretation How have the rules on interpretation contained in the VCLT been applied in investment disputes What are the main problems encountered in investment related disputes To what extent are the VCLT rules suited to the interpretation of investment treaties Have tribunals developed new techniques concerning treaty interpretation Are these techniques consistent with the VCLT How can problems relating to interpretation be solved or minimised How creative have arbitral tribunals been in interpreting investment treaties Are States capable of keeping effective control over interpretation

The Political Economy of International Law Alberta Fabbri, 2016-06-24 Set in the context of growing interdisciplinarity in legal research The Political Economy of International Law A European Perspective provides a much needed systematic and coherent review of the interactions between Political Economy and International Law

The book reflects the need felt by international lawyers to open their traditional frontiers to insights from other disciplines and political economy in particular. The methodological approach of the book is to take the traditional list of topics for a general treatise of international law and to systematically incorporate insights from political economy to each. **Handbook of the International Political Economy of the Corporation** Andreas Nölke, Christian May, 2018-09-28 Over the past few decades corporations have been neglected in studies of international political economy IPE. Seeking to demystify them what they are how they behave and their goals and constraints this Handbook introduces the corporation as a unit of analysis for students of IPE. Providing critical discussion of their global and domestic power and highlighting the ways in which corporations interact with each other and with their socio political environment this Handbook presents a thorough and up to date overview of the main debates around the role of corporations in the global political economy.

Commentary on the 1969 Vienna Convention on the Law of Treaties Mark Eugen Villiger, 2009 The 1969 Vienna Convention on the Law of Treaties regulating treaties between States lies at the heart of international law. This commentary interprets the Convention's 85 articles clearly and precisely. It covers such major topics as reservations to treaties their interpretation and the grounds for terminating a treaty for instance breach. Emphasis is placed on the practice of States and tribunals and on academic writings. It contains further sections on customary international law and the Convention's history while providing up to date information on ratifications and reservations. This commentary is a must for practitioners and academics wishing to establish the meaning and scope of the provisions of the Vienna Convention on the Law of Treaties.

The World Trade Organization International Trade Law Center, Arthur E. Appleton, Michael G. Plummer, 2007-12-31 The editors have succeeded in bringing together an excellent mix of leading scholars and practitioners. No book on the WTO has had this wide a scope before or covered the legal framework economic and political issues current and would be countries and a outlook to the future like these three volumes do. 3000 pages 80 chapters in 3 volumes cover a very interdisciplinary field that touches upon law economics and politics.

Handbook of International Law Anthony Aust, 2010-04-01 To the new student of international law the subject can appear extremely complex a system of laws created by states international courts and tribunals operating at the national and global level. A clear guide to the subject is essential to ensure understanding. This handbook provides exactly that written by an expert who both teaches and practises in the field it focuses on what the law is how it is created and how it is applied to solve day to day problems. It offers a practical approach to the subject giving it relevance and immediacy. The new edition retains a concise user friendly format allowing central principles such as jurisdiction and the law of treaties to be understood. In addition it explores more specialised topics such as human rights terrorism and the environment. This handbook is the ideal introduction for students new to international law.

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