

POLITICAL QUESTIONS

Does the Rule of Law Apply to Foreign Affairs?

JUDICIAL ANSWERS

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checks and balances However this book discusses the gradual changes in the parameters of the doctrine including its current position dealing with increasingly extraterritorial concerns *Brownlie's Principles of Public International Law* Ian Brownlie, James Crawford, 2012-09-27 Serving as a single volume introduction to the field as a whole this book seeks to present international law as a system that is based on and helps structure relations among states and other entities at the international level It identifies the constituent elements of that system in a clear and accessible fashion *The Role of National Courts in Applying International Humanitarian Law* Sharon Weill, 2014-03-06 International law is increasingly applied in domestic courts This can result in situations where the courts are being asked to rule on politically sensitive issues especially issues which involve actions during armed conflicts Domestic courts do not show a uniformity of approach in addressing cases concerning international humanitarian law and can often be seen to differ markedly in their response The book argues that different national courts demonstrate different functional roles in different countries These can be situated on a scale from apology to utopia which can be set out as follows 1 the apologist role of courts in which they serve as a legitimating agency of the state's actions 2 the avoiding role of courts in which they for policy considerations avoid exercising jurisdiction over a case 3 The deferral role of courts in which courts defer back to the other branches of the government the responsibility of finding an appropriate remedy 4 the normative application role of courts in which they apply international humanitarian law as required by the rule of law and 5 the utopian role of courts in which they introduce moral judgments in favour of the protection of the individual beyond the requirements of the law The book investigates the rulings of five key domestic courts those of the UK the USA Canada Italy and Israel to understand how their approaches differ and where their practice can be placed on the methodological scale This analysis has been assisted by the author's extensive field work notably in Israel and in the Occupied Palestinian Territories Providing a detailed understanding each court's function the book offers a critical analysis of the courts' rulings in which both the legal arguments and the political context of cases they have ruled on are examined The book shows that the functional role of the national courts is a combination of contradictions and mixed attitudes and that national courts are in the process of defining their own role as enforcing organs of international humanitarian law *Asian Yearbook of International Law 1995* Ko Swan Sik, M. C. W. Pinto, J. J. G. Syntauw, 1997-01-01 The Asian Yearbook of International Law is the first publication dedicated primarily to international law as seen from an Asian perspective It provides a forum for the publication of articles in the field of international law written by experts from the region and also other articles relating to Asian topics Its aim is twofold to promote the dissemination of knowledge of international law in Asia and to provide an insight into Asian views and practices which will be especially useful to a non-Asian readership As a rule each volume of the Asian Yearbook contains Articles Notes State Practice a Chronicle of Events and Incidents United Nations Activities with Special Relevance to Asia a Survey of Activities of the Asian African Legal Consultative Committee a Bibliography and a Documents section **Asian Yearbook of International Law, Volume 5**

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The Constitution's Text in Foreign Affairs Michael D. Ramsey,2007-06-01 Ramsey describes the constitutional law of foreign affairs derived from an historical understanding of the Constitution s text Examining recurring foreign affairs controversies such as the power to enter armed conflict the author shows how the words structure and context of the Constitution can resolve pivotal court cases and modern disputes

Constitutional Principles of EU External Relations Geert De Baere,G. de Baere,2008 This book explores how foreign policy fits within the complex constitutional structure of the EU providing both an analysis of the constitutional reality of EU foreign policy and a theoretical analysis suggesting possibilities for reform

The Occupation of Justice David Kretzmer,Yaël Ronen,2021 The book provides a critical analysis of the manner in which the Israeli Supreme Court has dealt with petitions relating to the actions and policies of the Israeli authorities in the West Bank and Gaza which were occupied by Israel in 1967 It offers an exhaustive analysis of the Court s decisions on a variety of topics including civilian settlements the separation barrier punitive house demolitions and conduct of hostilities

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