

*The Political Interpretation of
Multilateral Treaties*

SHIRLEY V. SCOTT

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Political Interpretation Of Multilateral Treaties

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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 Eugén 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 an 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.

The Political Economy of WTO Implementation and China's Approach to Litigation in the WTO Yen Kong Ngangjoh-Hodu, Zhang Qi, 2016-01-29 Why and how do states obey international law? This engaging book tackles this very

question head on via its examination of the conflicting and conciliating processes of the Chinese approach to litigation and the Western approach to legal orientation in the field of the WTO dispute settlement mechanism The authors examine the normative framework of WTO rule implementation in a globalised international economic order They further explore the notion of the rule of law in China's Confucian system and how it interacts with a rule based world trading system Topics discussed include theorising the WTO implementation regime the Chinese approach to law China and the WTO dispute settlement system and Chinese Confucianism and compliance With its focus on international economic law and political science this book will be accessible to students policy makers practitioners and academics looking to understand China and the rule of law in a global context

Fast Track: A Legal, Historical, and Political Analysis Hal Shapiro, 2006-07-19 Fast track was conceived as a mundane procedural mechanism to enhance the president's credibility in negotiating complex multilateral trade agreements by streamlining the congressional approval process into an up or down vote in return for enhanced congressional oversight It allows the President to negotiate international trade agreements knowing that Congress will provide a timely vote on the agreement without amendments Given its seminal importance to the trade debate however fast track has acquired greater significance and controversy This incisive text examines whether fast track is an evolutionary advancement in U S international economic agreements or an end run around the constitutional treaty provision whether it is a reflection of the shared constitutional powers of Congress and the President in the area of foreign affairs or an unconstitutional abdication of Congress's power to regulate foreign commerce and its ability to set its own procedural rules whether fast track is needed to put the United States on even footing with other nations that have efficient international agreement approval mechanisms or a unique U S ratification short cut not found elsewhere whether there is a better way for the United States to approve and implement trade agreements whether the arguments of the left and right on fast track need a new focus and whether there is a role for the states to play in U S trade policy formation Fast Track argues that the time has come for the United States to end its perennial debate over the process by which we approve international trade agreements i e whether to resort to fast track or not and begin a debate on how best to prepare American citizens to compete in a globalized world There are signs that the United States is not ready and may even be falling behind Without question this book can help formalize a requisite national strategy Published under the Transnational Publishers imprint

The Interpretation of International Law by Domestic Courts Helmut Philipp Aust, Georg Nolte, 2016-01-22 The Interpretation of International Law by Domestic Courts assesses the growing role of domestic courts in the interpretation of international law It asks whether and if so to what extent domestic courts make use of the international rules of interpretation set forth in the Vienna Convention on the Law of Treaties Given the expectation that rules of international law are to have a uniform interpretation and application throughout the world the practice of domestic courts is considerably more diverse The contributions to this book analyse three key questions first whether international law requires a coherent interpretive

approach by domestic courts Second whether a common or convergent methodological outlook can be found in domestic court practice Third whether a common interpretive approach is desirable from a normative perspective The book identifies a considerable tension between international law's ambition for universal and uniform application and a plurality of different approaches This tension between unity and diversity is analysed by a group of leading international lawyers from a wide range of geographical disciplinary and methodological approaches Drawing on domestic practice of number of jurisdictions including among others Colombia France Japan India Israel Mexico South Africa the United Kingdom and the United States the book puts the interpretative practice of domestic courts in a wider context Its chapters offer doctrinal practical as well as theoretical perspectives on a central question for international law Corporations and Human Rights Niels

Beisinghoff,2009 Can human rights be enforced against corporations This work analyses different enforcement mechanisms It examines one of the most powerful instruments the Alien Tort Claims Act ATCA litigation in the United States The ATCA has been used as one of the chief weapons in a 21st century battle over corporate responsibility in the age of globalization For instance the ATCA has been invoked to seek compensation from German companies in respect of forced labor during the Holocaust Further examples include claims relating to genocide against a Canadian company forced labor claims against a US company and numerous others The ATCA litigation often refers to the law of nations but do the US courts interpret this term consistently with other accepted interpretations of international law The short answer to that question is no However in the absence of enforceable international law mechanisms this lacuna needs to be filled Domestic litigation of matters that are inherently transnational in character as occurs in ATCA human rights litigation represents a viable mechanism to enforce human rights *The Law of Treaties* Robert Kolb,2023-07-01 Presenting up to date case law and a freshly updated

bibliography this second edition of *The Law of Treaties* is a valuable addition to contemporary international law scholarship It offers much needed clarity on complicated legal cases and questions while maintaining a highly readable style **Political and Investment Risk in the International Oil and Gas Industry** Steven A. Mucci,2017-10-11 This book examines the financial legal and institutional strategies available to the international oil and gas industry to manage political and investment risk The financial techniques for mitigating and allocating risk include corporate finance joint ventures and project finance The legal techniques include production sharing agreements profit sharing agreements service contracts bilateral investment treaties and multilateral investment treaties The institutional techniques include domestic courts national constitutions international arbitral tribunals governmental and non governmental regulatory agencies alliances and energy diplomacy This book traces the historical development of these techniques and their application in practice The effectiveness with which companies manage political and investment risk is important for the financial sustainability of individual firms and the industry as whole The real and perceived level of risk affects the level of exploration expenditures and therefore the balance between supply and demand and the price of oil and natural gas The search for a secure supply of

oil and gas affects the political military and economic relations between countries Consequently every developed and developing country has placed energy policy at or near the top of its national priorities *The American Political Science Review* ,1929 **International Law and World Order** B. S. Chimni,2017-05-25 This book offers a critique of the principal contemporary approaches to international law alongside its own novel perspectives **Ibss: Political Science: 1998** Compiled by the British Library of Political and Economic Science,2000-02 Renowned for its international coverage and rigorous selection procedures this series provides the most comprehensive and scholarly bibliographic service available in the social sciences Arranged by topic and indexed by author subject and place name each bibliography lists and annotates the most important works published in its field during the year of 1997 including hard to locate journal articles Each volume also includes a complete list of the periodicals consulted **Political, Economic and Legal Effects of Artificial Intelligence** Georgios I. Zekos,2022-03-07 This book presents a comprehensive analysis of the alterations and problems caused by new technologies in all fields of politics It further examines the impact of artificial intelligence AI on the nexus between politics economics and law The book raises and answers several important questions What is the role of AI in politics Are people prepared for the challenges presented by technical developments How will AI affect future politics and human society How can politics and law deal with AI s disruptive technologies What impact will AI and technology have on law How can efficient cooperation between human beings and AI be shaped Can artificial intelligence automate public decision making Topics discussed in the book include but are not limited to digital governance public administration digital economy corruption democracy and voting legal singularity separation of power constitutional rights GDPR in politics AI personhood digital politics cyberspace sovereignty cyberspace transactions and human rights This book is a must read for scholars and students of political science law and economics as well as policy makers and practitioners interested in a better understanding of political legal and economic aspects and issues of AI

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