The Political Interpretation of Multilateral Treaties

SHIRLEY V. SCOTT

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Political Interpretation Of Multilateral Treaties

Niels Beisinghoff

Political Interpretation Of Multilateral Treaties:

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 inter disciplinary 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, 2015-02-26 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 <u>Ibss: Political Science: 1998</u> 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 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

Evolving Constitutions of International

Organizations Tetsuo Sato, 2023-09-14 This book analyzes the law creating process relating to the interpretation of constituent instruments of international organizations This topic is one of the key issues concerning the structures and activities of international organizations It differs from other books in the field by suggesting that under the influences of the inherent dynamism of international organizations the interpretative framework of their constituent instruments is not the same as that of ordinary treaties It also concludes that the interpretation of the constituent instruments of international organizations deviates from the interpretative framework regulated by the law of treaties as codified by the Vienna Convention on the Law of Treaties The book will be of prime interest to academics in the fields of international law and Political, Economic and Legal Effects of Artificial Intelligence Georgios I. international organization and treaty law 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 Al affect future politics and human society How can politics and law deal with Al 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 Diplomatic and Political Interpreting Explained Mira Kadrić, Sylvi Rennert, Christina Schäffner, 2021-07-28 The role of the interpreter at international meetings of politicians and diplomats is a critical one This book examines the history of diplomacy and diplomatic interpreting as well as the rules and realities of modern diplomatic relations Building on interviews with interpreters diplomats and politicians it examines language as a tool of diplomatic and political communication the role of interpreters in diplomacy and the different forms of interaction and communicative behaviour interpreters face and exhibit The book covers the different ways in which interpreters manage information expressivity and interaction and what diplomats think about it Each chapter presents key concepts and definitions examples from existing literature are combined with interviews conducted with professional interpreters as well as seasoned diplomats and politicians to illustrate their relevance in interpreting practice With activities for group work and self study including analysis and discussion of real life interpreted diplomatic or political events this book offers a range of interpreting exercises that encourage students to apply the different strategies discussed in the book Weaving together the voices of interpreters diplomats and politicians with a systematic look at the theory and practice of interpreting in diplomatic settings this is not

only an essential textbook for interpreting students and educators but will also be of interest to professional interpreters and students and scholars of politics and international relations Additional resources are available on the Routledge Translation Studies Portal http://routledgetranslationstudiesportal.com 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 The Political Economy of WTO Implementation and China's Approach to central question for international law **Litigation in the WTO** Yenkong 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 The Life and Death of International Treaties Jeffrey S. Lantis, 2009 This book represents one of the first comparative studies of international treaty ratification processes in multiple issue areas It employs the comparative case study method drawing on original research elite interviews and discursive analyses of government documents in Europe Australia and North America The Essentials of Political Analysis Philip H. Pollock III, Barry C. Edwards, 2019-07-18 Gain the skills you need to conduct political analysis and

critically assess statistical research In this Sixth Edition of The Essentials of Political Science bestselling authors Philip H Pollock III and Barry C Edwards build your analytic abilities and develop your statistical reasoning with new data fresh exercises and accessible examples This brief accessible guide walks you through the essentials measuring concepts formulating and testing hypotheses describing variables while using key terms chapter opening objectives over 80 tables and figures and practical exercises to get you using and applying your new skills **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 Interpretation of International Investment Treaties Tarcisio Gazzini, 2016-11-03 This book offers a human rights 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 Fabbricotti, 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 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 Regime Interaction in International Law Margaret A. Young, 2012-01-12 Leading scholars advance the discussion of international law's fragmentation in new and provocative ways 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 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 **International Covenant on Civil and Political Rights** United States. Congress. Senate. Committee on Foreign Relations, 1992 An Introduction to International Relations Richard Devetak, Anthony Burke, Jim George, 2011-10-17 Invaluable to students and those approaching the subject for the first time An Introduction to International Relations Second Edition provides a comprehensive and stimulating introduction to international relations its traditions and its changing nature in an era of globalisation Thoroughly revised and updated it features chapters written by a range of experts from around the world It presents a global perspective on the theories history developments and debates that shape this dynamic discipline and contemporary world politics Now in full colour and accompanied by a password protected companion website featuring additional chapters and case studies this is the indispensable guide to the study of international relations

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