

Rethinking Sources International Law

COVER COMING SOON

Rethinking The Sources Of International Law

RD Boyd



Rethinking The Sources Of International Law:

Sources of International Law Vladimir Đuro Degan, 1997-05-21 A PARTIES TO A TREATY **Rethinking the Sources of International Law** Godefridus J. H. Hoof, 1983-01-01 Deals with the concept of sources of international law *The Oxford Handbook of the Sources of International Law* Jean d'Aspremont, Samantha Besson, Sévrine Knuchel, 2017-10-19 The question of the sources of international law inevitably raises some well known scholarly controversies where do the rules of international law come from And more precisely through which processes are they made how are they ascertained and where does the international legal order begin and end This is the static question of the pedigree of international legal rules and the boundaries of the international legal order Second what are the processes through which these rules are made This is the dynamic question of the making of these rules and of the exercise of public authority in international law The Oxford Handbook of the Sources of International Law is the very first comprehensive work of its kind devoted to the question of the sources of international law It provides an accessible and systematic overview of the key issues and debates around the sources of international law It also offers an authoritative theoretical guide for anyone studying or working within but also outside international law wishing to understand one of its most foundational questions This Handbook features original essays by leading international law scholars and theorists from a range of traditions nationalities and perspectives reflecting the richness and diversity of scholarship in this area *General Principles as a Source of International Law* Imogen Saunders, 2021-02-25 This book provides a comprehensive analysis of an often neglected misunderstood and maligned source of international law Article 38 1 c of the Statute of the International Court of Justice sets out that the Court will apply the general principles of law recognized by civilized nations This source is variously lauded and criticised held up as a panacea to all international law woes or denied even normative validity The contrasting views and treatments of General Principles stem from a lack of a model of the source itself This book provides that model offering a new and rigorous understanding of Article 38 1 c that will be of immense value to scholars and practitioners of international law alike At the heart of the book is a new tetrahedral framework of analysis looking to function type methodology and jurisprudential legitimacy Adopting an historical approach the book traces the development of the source from 1875 to 2019 encompassing jurisprudence of the Permanent Court of International Justice and the International Court of Justice as well as cases from international criminal tribunals the International Criminal Court and the World Trade Organisation The book argues for precision in identifying cases that actually apply General Principles and builds upon these proper use cases to advance a comprehensive model of General Principles advocating for a global approach to the methodology of the source **The Oxford Handbook of Jurisdiction in International Law** Stephen Allen, Daniel Costelloe, Malgosia Fitzmaurice, Paul Gragl, Edward Guntrip, 2019-09-17 The Oxford Handbook of Jurisdiction in International Law provides an authoritative and comprehensive analysis of the concept of jurisdiction in international law Jurisdiction plays a fundamental role in international law limiting the exercise of legal

authority over international legal subjects But despite its importance the concept has remained until now underdeveloped Discussions of jurisdiction in international law regularly refer to classic heads of jurisdiction based on territoriality or nationality or use the SS Lotus decision of the Permanent Court of International Justice as a starting point However traditional understandings of jurisdiction are facing new challenges Globalization has increased the need for jurisdiction to be applied extraterritorially non State forms of law provide new theoretical challenges and intersections between different forms of jurisdiction have become more intricate This Handbook provides a necessary re examination of the concept of jurisdiction in international law through a thematic analysis of its history its contemporary application and how it needs to adapt to encompass future developments in international law It examines some of the most contentious elements of jurisdiction by considering how the concept is being applied in specific substantive and institutional settings **Complete International Law** Ademola Abass,2014 Complete International Law is the only text cases and materials book on international law It is an introductory text which covers a wide range of extracts from primary and secondary materials which are combined with incisive author commentary The decay of international law Anthony Carty,2019-09-01 Originally published in 1986 this book has become a classic of international law literature It was a penetrating critique of the methodology of international law as it had come to be understood and accepted by the generality of international lawyers It called for a realisation of the crucial role which international lawyers should play in reflecting in the nature and implications of the principles and arguments used by governments and other actors in the international stage It called for a positive legal analysis of international issues This edition comes with a new 10 000 word introduction that will put the original work in its proper historical context New generations of international legal scholars who did not read Carty in the 1980s and who have had little chance to do so since then because of the book s unavailability will show a great deal of interest in delving into the thoughts of one of the most influential critical legal thinkers *Evolution of International Environmental Regimes* Simone Schiele,2014-06-12 Using the international climate regime as an example Simone Schiele analyses the ability of international environmental regimes to evolve over time *Transforming the Politics of International Law* P. Sean Morris,2021-10-14 This volume examines the role of League of Nations committees particularly the Advisory Committee of Jurists ACJ in shaping the statute of the Permanent Court of International Justice PCIJ The authors explore the contributions of individual jurists and unofficial members in shaping the League s international legal machinery It is a companion book to *The League of Nations and the Development of International Law A New Intellectual History of the Advisory Committee of Jurists* Routledge 2021 One of the guiding principles of the book is that the development of international law was a project of politics where the idea and notion of an international society must contend with the political visions of each state represented on the different legal committees in the League of Nations during the drafting of the Covenant The book constitutes a major contribution to the literature in that it shows the inner workings of some of the legal committees of the League and how the political role of

unofficial members was influential for the development of international law in the early twentieth century and how they influenced the political and legal process of the ACJ The book will be an essential reference for those working in the areas of International Law Legal History International Relations Political History and European History **Environmental Principles** ,2020-10-30 This book traces the evolution of environmental principles from their origins as vague political slogans reflecting fears about environmental hazards to their embodiment in enforceable laws Environmental law has always responded to risks posed by industrial society but the new generation of risks have required a new set of environmental principles emerging from a combination of public fears science ethics and established legal practice This book shows how three of the most important principles of modern environmental law grew out of this new age of ecological risk the polluter pays principle the preventive principle and the precautionary principle Since the first edition was published the principles of polluter pays prevention and precaution have been encapsulated in a swathe of legislation at domestic and international level Courts have been invoking environmental law principles in a broad range of cases on issues including GMOs conservation investment waste and climate change As a result more States are paying heed to these principles as catalysts for improving their environmental laws and regulations This edition will integrate to a greater extent the relationship between environmental principles and human rights The book analyses new developments including the EU Charter of Fundamental Rights the case law of the European Court of Human Rights which has continuously carved out environmental duties from a number of rights enshrined in the European Convention of Human Rights and the implementation of the UNECE Convention on Access to Information The Discourse on Customary International Law Jean d'Aspremont,2021-05-10 Along with treaties custom is one of the sources of international law It is known to consist of two elements state practice and opinio juris While many studies have looked at traditional questions of how to identify customary law this book takes a new and original approach It looks instead at the structure of thought that lies beneath the arguments about customary international law By examining these structures the book uncovers surprising conclusions and demonstrates what the author describes as the discursive splendour of customary international law The book guides the reader through an analysis of eight distinct performances at work in the discourse on customary international law One of its key claims is that customary international law is not the surviving trace of an ancient law making mechanism that used to be found in traditional societies Indeed as is shown throughout customary international law is anything but ancient and there is hardly any doctrine of international law that contains so many of the features of modern thinking It is also argued that contrary to mainstream opinion customary international law is in fact shaped by texts and originates from a textual environment This book provides an engaging account of customary international law whilst challenging readers to rethink their understanding of this fundamental part of the discipline Global Environmental Change and International Law Lynne M. Jurgielewicz,1996 This is one of the few books dealing with regime theory to be written from a legal point of view Jurgielewicz s book is part of an effort to promote

interdisciplinary research on the nature of the international legal order Her work explores the concept of international regimes within the international legal order utilizing the policy oriented approach to international law The study uses examples of global environmental change as models By examining the general international law applicable to climate change and ozone layer depletion the author attempts to explain the original need for regime formation in these areas Next Jurgielewicz looks at the role of regimes within international law focusing on their formation maintenance source of legal obligation and compliance mechanisms The book concludes that regimes are present within the international legal order and play a vital role in maintaining that order This book will appeal to students in law schools graduate schools or advanced undergraduate seminars covering international relations international legal theory international law and international organizations

International Labour Rights and the Social Clause Arne Daniel Albert Vandaele, 2005 Takes as its starting point the observation that a social clause should be concerned with achieving international labour rights Analyses the conception of international labour rights involving not only law but also other disciplines such as history morality and economics Shows that the discussion on the social clause is emblematic of the way the WTO and the international trade system should deal with human rights in general It requires an approach grounded in international law in the broadest sense covering general international law international human rights law international trade law international labour law and legal theory

British Contributions to International Law, 1915-2015 (Set) Jill Barrett, Jean-Pierre Gauci, 2020-12-15 The original documentary sources of key British contributions to international law spanning the past 100 years are collected for the first time in this unique anthology set of 4 books These range from seminal writings of highly qualified British scholars of international law judgments of British courts opinions of British judges on international courts and tribunals and pleadings by British advocates treaties concluded and statements made by the United Kingdom government British contributions to international legal drafting legislation and parliamentary debates to an imaginative selection of other forms of literature The Editors introduction explains why of all the multifarious British contributions these are the ones that have had the most enduring impact upon the development of international law from a global perspective The sheer quality in these texts speaks for itself these are the must read and must keep classic pieces for all interested in international law and the uniquely British contributions to it Please also see the following related titles British Influences on International Law 1915 2015 The Role of Legal Advisers in International Law

The International Legal System as a System of Knowledge Linderfalk, Ulf, 2022-10-25 International law is an underdeveloped branch of legal research researchers still disagree over the proper understanding of several of its most fundamental issues and genuinely so This book helps to explain why It brings clarity that will no doubt make international legal research more rational which in turn vouches for a more productive legal discourse

Research Handbook on the Theory and Practice of International Lawmaking Catherine Brölmann, Yannick Radi, 2016-04-29 The global landscape has changed profoundly over the past decades As a result the making of international

law and the way we think about it has become more and more diversified This Research Handbook offers a comprehensive guide to the theory and practice of international lawmaking today It takes stock at both the conceptual and the empirical levels of the instruments processes and actors involved in the making of international law The editors have taken an approach which carefully combines theory and practice in order to provide both an overview and a critical reflection of international lawmaking Comprehensive and well structured the book contains essays by leading scholars on key aspects of international lawmaking and on lawmaking in the main issue areas Attention is paid to classic processes as well as new developments and shades of normativity This timely and authoritative Handbook will be a valuable resource for academics students legal practitioners diplomats government and international organization officials as well as civil society representatives

Identification of Customary International Law Michael Wood, Omri Sender, 2024-11-07 Customary international law remains a central source of international law and the core of the international legal system It continues to draw the attention of lawyers especially at a time marked by the great expansion of international law and its increasing application in domestic and international courts Determining whether an applicable rule of customary international law exists is therefore of great practical concern but this important legal task is not always simple or straightforward This book serves as guidance to those seeking to determine the existence of rules of customary international law and their content It elaborates on the methodology for the identification of rules of customary international law and examines a host of questions concerning the process and evidence involved It does so by complementing the authoritative work of the UN International Law Commission on this topic and by drawing upon a wealth of additional practice and writings *Identification of Customary International Law* provides an overview of the Commission's work and expands on it by addressing the nature and history of custom as a source of international law inquiring into each of the two constituent elements of customary international law namely a general practice and *opinio juris* explaining the value and limits of certain forms of evidence and throwing further light on such issues as the persistent objector rule and particular customary international law Practitioners and scholars alike will find this detailed treatment useful in seeking to determine the existence and content of any customary rule and in ensuring that arguments about customary international law are persuasive

The Concept of Unity in Public International Law Mario Prost, 2012-03-15 Fragmentation has become a defining albeit controversial metaphor of international law scholarship in the era of globalisation Some scholars see it as a new development others as history repeating itself some approach it as a technical issue and some as the reflection of deeper political struggles But there is near consensus about the fact that the established vision of international law as a unitary whole is under threat At the core of the fragmentation debate lies the concept of unity but this is hardly ever rationalised and is more assumed than explained Its meaning remains vague and intuitive *The Concept of Unity in Public International Law* attempts to dispel that vagueness by exploring the various possible meanings of the concept of unity in international law However eschewing one grand theory of unity it identifies and

compares five candidates Intentionally pluralistic in its outlook the book does not engage in normative arguments about whether international law is or should be unitary but seeks to show instead that the concept of unity is contested and that discourses on fragmentation are necessarily contingent The thesis on which the book is based won the 2009 Prize for best doctoral thesis from the Association des professeurs de droit du Qu bec *International Law as a Profession* Jean d'Aspremont, Tarcisio Gazzini, André Nollkaemper, Wouter Werner, 2017-04-06 This collection of self reflective essays explores the relations between international legal professions and their respective understandings of international law

International Banking Regulation: Law, Policy and Practice George Walker, 2001-12-06 This work offers a comprehensive examination of the development and structure of the provisions for the control of international financial markets It explores the background to the major financial crises of the late 20th century and the nature of the global response

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