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Peacetime Unilateral Remedies: An Analysis of Countermeasures Elisabeth Zoller, 2023-10-09 Published under the The International Law Commission's Articles on State Responsibility United Transnational Publishers imprint Nations. International Law Commission, James Crawford, 2002 In 2001 the International Law Commission completed its work on State responsibility begun 40 years previously The Articles on Responsibility of States for Internationally Wrongful Acts marks a major step in the codification and progressive development of international law comparable in significance to the Vienna Convention on the Law of Treaties The Articles cover such topics as attributing conduct to the State defining when there has been a breach of international law and the excuses or justifications for breaches reparation for injustices the invocation of responsibility especially standing of States in the public interest and the rules relating to countermeasures The Articles develop basic concepts of international law in particular peremptory norms and obligations to the international community as a whole They signal definitively how international law has moved away from a purely bilateral conception of responsibility to accommodate categories of general public interest human rights the environment etc of International Disputes Nii Lante Wallace-Bruce, 2023-09-20 The first part of this book deals with the general principles relating to international disputes settlement It starts by looking at the nature of an international dispute in contemporary international law and by discussing the principles governing the ascertainment of the existence of an international dispute It then moves on to a consideration of the diplomatic means of an international dispute settlement The book not only focuses on the peaceful means but also considers other means in particular countermeasures A separate chapter is devoted to the International Court of Justice enabling in depth treatment of the issues The book critically analyses the cases in which Australia and New Zealand have been involved first as applicants and then as respondents thereby assessing the contributions made by these two countries to the development of the law relating to international disputes settlement

Countermeasures, the International Legal System, and Environmental Violations, Math Noortmann, 2016-04-29 Until recently the fundamental link between two basic concepts in international law namely the right to self help and the obligation to settle disputes by peaceful means has been neglected in doctrine and practice. The main issue is that international law traditionally recognizes the right of states to safeguard their own rights by resorting to countermeasures as well as the obligation to settle their disputes by accepted and recognized diplomatic and judicial procedures. Both concepts are based on their own merits which are assumed to be valid in contemporary international law. It is the primary purpose of this study to determine which rules and principles govern the relationship between the two concepts. The book s major findings arise from an analysis of scholarly work supported by examples from five different case studies. Drawing insights from legal as well as political science it will be a valuable resource for students academics and policy makers in international law international relations and related areas.

Enforcing International Law Through

U.S. Legislation Elisabeth Zoller, 2023-09-20 Published under the Transnational Publishers imprint State **Responsibility in International Law** René Provost, 2017-03-02 In the wake of the adoption by the International Law Commission of a complete set of articles on state responsibility in international law in 2001 this collection assembles a number of essays tracing key debates which have marked the evolution of this field over the last fifty years These include explorations of the general theory of state responsibility link between primary and secondary rules the place of due diligence the link between liability and wrongfulness the consequences of an internationally wrongful act nature of remedies suitability of countermeasures third states and the shift from bilateralism to community interests in the law of state responsibility the debate over criminalizing state responsibility and the continuing relevance of the law of injuries to aliens The collection also contains a series of essays offering critical perspectives on state responsibility including feminist and developing world perspectives It is completed by an extensive and up to date bibliography **International Law between Universalism** and Fragmentation Isabelle Buffard, James Crawford, Alain Pellet, Stephan Wittich, 2009-02-28 This Festschrift is published on the occasion of Gerhard Hafner's 65th birthday and his retirement as a professor at the University of Vienna It assembles a great number of renowned friends and colleagues in international law honouring Gerhard Hafner's outstanding career as scholar diplomat legal adviser and arbitrator The diversity of areas selected for this Festschrift reflects the generalist approach of Gerhard Hafner towards international law Among the topics on which his contribution was particularly influential are the fragmentation of international law the law of State immunity and international criminal law which feature prominently in the Festschrift Other areas covered are the theory of international law including sources basic principles of international law codification of international law subjects of international law international dispute settlement the law of the sea and international environmental law human rights and humanitarian law and the law of the European Union **European Union and International Dispute Settlement** Marise Cremona, Anne Thies, Ramses A Wessel, 2017-09-07 This monograph explores the connections between the European Union and international dispute settlement It highlights the legal challenges faced by the principal players in the field namely the EU as a political actor and the Court of Justice of the EU as an international and domestic judiciary In addition it places the subject in its broader context of international dispute settlement and the participation of the EU and its Member States in international disputes It focuses on horizontal and cross cutting themes bringing together insights from the different sectors of trade investment and human rights and offering a variety of perspectives from academics policymakers and practitioners This title is included in Bloomsbury Professional s International Arbitration online service The Problem of Enforcement in International Law Elena Katselli Proukaki, 2009-12-16 This book explores the contentious topic of how collective and community issues should be protected and enforced in international law Elena Katselli Proukaki takes a detailed look at the issue of third State countermeasures and considers the work the International Law Commission has done in this area The volume addresses both the theory and

practice of third State countermeasures within international law Critically reviewing the conclusions of the International Law Commission on the non existence of a right to third State countermeasures it includes consideration of examples of State practice not previously covered in the literature of this topic In taking a thorough view of the issues involved the author identifies concerns about third State countermeasures which remain unanswered and considers the possible legal ramifications arising from a clash between a right to third State countermeasures and obligations arising from other international norms The Problem of Enforcement in International Law explores questions evolving around the nature integrity and effectiveness of international law and the role it is called to play in a contemporary context This book is of great interest and value not only for specialists in this area of international law but also human rights trade and EU lawyers practitioners legal advisers and students *Enforcing Obligations Erga Omnes in International Law Christian J.* Tams, 2005-12-01 The concept of obligations erga omnes obligations to the international community as a whole has fascinated international lawyers for decades yet its precise implications remain unclear This book assesses how this concept affects the enforcement of international law It shows that all States are entitled to invoke obligations erga omnes in proceedings before the International Court of Justice and to take countermeasures in response to serious erga omnes breaches In addition it suggests ways of identifying obligations that qualify as erga omnes In order to sustain these results the book conducts a thorough examination of international practice and jurisprudence as well as the recent work of the UN International Law Commission in the field of State responsibility By so doing it demonstrates that the erga omnes concept is solidly grounded in modern international law and clarifies one of the central aspects of the international regime of law enforcement

International Law in Theory and Practice Oscar Schachter, 2024-12-09 The Power and Purpose of International Law Mary Ellen O'Connell, 2011-05-10 The world is poised for another important transition The United States is dealing with the impact of the Afghan and Iraq wars the use of torture and secret detention Guantanamo climate change nuclear proliferation weakened international institutions and other issues related directly or indirectly to international law The world needs an accurate account of the important role of international law and The Power and Purpose of International Law seeks to provide it Mary Ellen O Connell explains the purpose of international law and the power it has to achieve that purpose International law supports order in the world and the attainment of humanity s fundamental goals of peace prosperity respect for human rights and protection of the natural environment These goals can best be realized through international law which uniquely has the capacity to bind even a superpower of the world By exploring the roots and history of international law and by looking at specific events in the history of international law this book demonstrates the why and the how of international law and its enforcement It directly confronts the notion that international law is powerless and that working within the framework of international law is useless or counter productive As the world moves forward it is critical that both leaders and their citizens understand the true power and purpose of international law and this book creates a

Select Proceedings of the European Society of International Law, Volume 2, 2008 Hélène Ruiz Fabri, Ruediger Wolfrum, Jana Gogolin, 2010-06-30 This book continues the series Select Proceedings of the European Society of International Law containing the proceedings of the Third Biennial Conference organised by ESIL and the Max Planck Institute for Comparative Public Law and International Law in 2008 The conference was entitled International Law in a Heterogeneous World reflecting an idea which is central to the ESIL philosophy Heterogeneity is considered one of the pillars upon which Europe's contribution to international law is built and the subject was considered in a number of panels including such diverse topics as migration the history of international law the rules on warfare and international environmental law

Third-Party Countermeasures in International Law Martin Dawidowicz, 2017-06-01 The use of third party countermeasures is an increasingly common phenomenon in international relations yet their legal position remains uncertain Providing the first systematic and comprehensive study of this key concept in international law Martin Dawidowicz explores the position of third party countermeasures and their safeguards regime based on the development of ideas on countermeasures in the UN International Law Commission and a thorough examination of state practice The book clarifies the position of third party countermeasures in international law and in doing so challenges some widely held assumptions about the likely impact of a regime of third party countermeasures on international relations It will be of interest to international law and relations scholars and students diplomats policy makers international civil servants and non governmental organisations NGOs in the field of human rights The Puzzles of Politics Friedrich Kratochwil, 2010-10-04 This book brings together a collection of Friedrich Kratochwil's key essays to explain his approach to international relations and how his thinking has developed over the last 30 years It addresses topical themes and issues including sovereignty law epistemology boundaries global governance and world society The Implementation of International Humanitarian Law Frits Kalshoven, Yves Sandoz, 1989-07 Enforcing international law throught non-forcible measures Academie De Droit

International de la Haye,1998-09-29 1 Use of force

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