The Political Interpretation of Multilateral Treaties

SHIRLEY V. SCOTT

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Political Interpretation Of Multilateral Treaties

Hal Shapiro

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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 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 The Oceans in the Nuclear Age David D. Caron, Harry N. Scheiber, 2014-07-17 The advent of the nuclear age in 1945 fundamentally altered the course of human events The oceans are not the focus of the nuclear age but the affairs of the oceans are deeply woven into the history of that age Knowledge of what the nuclear age has meant for the oceans however is highly fragmented and there exists a surprising gap in research on the impact of the nuclear age on the oceans and on ocean law and policy Ranging from dumped wastes to transportation to security this study frames the complex multidimensional set of relationships between the oceans and the nuclear age and illuminates patterns of impact and response in ocean law This timely expanded edition includes a new chapter by Lt Todd Hutchins USN on Nuclear Risks in Coastal Areas Legal and Regulatory Responses It provides a full discussion of the 2011 coastal Fukushima Nuclear Power Plant disaster together with analysis more generally of the challenges to the environment and to the legal order globally that are posed by coastal siting of nuclear power plants Commentary on the 1969 Vienna Convention on the Law of Treaties Mark Eugen 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 Conventiona TM 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 Conventiona TM 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 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 **Hegemony or Empire?** David Grondin, 2016-04-29 American power has been subjected to extensive analysis since September 11 2001 While there is no consensus on the state of US hegemony or even on the precise meaning of the term it is clear that under George W Bush the US has not only remained the lone superpower but has increased its global military supremacy At the same time the US has become more dependent on its economic financial and geopolitical relationships with the rest of the world than at any other time in its history markedly since the events of 9 11 The distinguished scholars in this volume critically interpret US hegemony from a range of theoretical and topical perspectives. They discuss the idea of empire in the age of globalization critique the Bush doctrine analyze the ideologies underpinning a new American imperialism and examine the influence of neo conservatism on US foreign and domestic policy 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 The Interpretation of International Agreements and World Public Order Harold D. Lasswell, James C. Miller, Myres S. McDougal, 2023-07-24 The policy oriented approach of the New Haven School is widely recognized as a major contribution to the legal and jurisprudential debate on interpretation Eschewing mechanical textual methods on the one hand and anti textual solipsistic methods on the other the New Haven School has developed a comprehensive and systematic approach to the interpretation of human communication Drawing upon psychology legal experience and communications theory of which Lasswell was a founder the authors have developed a theoretically cogent and practical method of interpretation In the course of doing it they survey the existing literature showing its problems In addition to the original text of The Interpretation of Agreements this edition includes a new introduction in which developments since the appearance of the book are examined and appraised and three important papers which elaborate the theory developed here including Professor McDougal's scathing critique of the last major international conference on the law of treaties 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 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 Treaty Interpretation by the WTO Appellate Body Isabelle Van Damme, 2009 This book analyses how the Appellate Body uses particular principles of general international law in interpreting the WTO covered agreements It deals equally with general international law and WTO law The aim is to explain how the Appellate Body interprets and applies customary international law on treaty interpretation in dealing with the WTO covered agreements The main concern is to analyse the judicial reasoning and ways of justifying judicial decision making In particular it answers the question of how the Appellate Body explains its reading of WTO treaty language It is argued that the Appellate Body has interpreted the WTO covered agreements in a contextual and effective manner an approach that corresponds with general international law The character of the WTO covered agreements has nevertheless confronted the Appellate Body with some questions of interpretation that were until recently unexplored or neglected by other courts and tribunals In that sense the Appellate Body has contributed to the development of general international law on treaty interpretation or at least to its practice WTO law is primarily treaty law but increasingly soft law and broader themes and values from other disciplines such as governance variable geometry and legitimacy are introduced and discussed Customary international law with the exception of the principles of treaty interpretation and general principles of law are often seen as excluded entirely An ancillary theme of this proposed monograph is the extent to which customary international law and general principles of law have penetrated WTO law through the technique of treaty interpretation 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 The American Political Science Review ,1929 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 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 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 **Opportunities and Challenges for Environmental Sustainability: A** Socioeconomic and Political Analysis Fritz Dufour, 2019-05-26 This report is a socioeconomic and political analysis of environmental sustainability in terms of the present state of the environment what we can do to reverse the negative trends and what the current and potential barriers are First it offers a background of the issue through a historical perspective How we got here has a lot to do with how previous generations behaved towards the environment Similarly how we behave will determine the kind of environment future generations will have to contend with It looks at the dynamics likely to impact the

balance of nature Also because understanding what is biodiversity and why is it important are essential in order to grasp the concept of sustainability this report looks at the types of ecosystems that form the biosphere and brings an answer to this important question Is the Maximum sustainable yield MSY concept a fallacy Moreover the importance of cities is a key factor in environmental sustainability So the report shows the pros and cons of cities in both the preservation of the environment and the conservation of its biodiversity The social economic and political analyses use the latest data and views from experts scientists and scholars alike and also the views of the common people The result is that all three levels have positives and negatives and so none of them should be individually prioritized over the other two To tackle this dilemma the report offers an alternative an inclusive pluralistic and global approach which aims at motivating all stakeholders from rich and poor countries and people from all walks of life to work together towards a common goal and common interests Such an approach says the report should be bottom up instead of top down that is the needs of local populations especially those closer to biodiversity must come first before those of large corporations However while in the present and short terms this approach may be successful in the long term or a distant future there are reasons to be skeptical for the environment is constantly changing and generations are different from one another And that is very important because what constitutes the cornerstone of environmental sustainability is this the present use of natural resources should not be harmful to future generations Therefore the report looks into the future While acknowledging that in terms of environmental sustainability predicting the future is a daunting task because it is better to think that the future is now the report shows how we can prepare a soft landing for our great grand children by laying the groundwork for them We can accomplish this last task because we still have time 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 a outlook to the future like these three volumes do 3000 pages 80 chapters in 3 volumes cover a very interdiscplinary 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

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 international organization and treaty law

The Lisbon Treaty Jean-Claude Piris, 2010-06-17 An in depth impartial and informed description of the Lisbon Treaty s legal features in their historical and political context

The book delves into Political Interpretation Of Multilateral Treaties. Political Interpretation Of Multilateral Treaties is a crucial topic that must be grasped by everyone, ranging from students and scholars to the general public. This book will furnish comprehensive and in-depth insights into Political Interpretation Of Multilateral Treaties, encompassing both the fundamentals and more intricate discussions.

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 - The book is crafted in an easy-to-understand language and is complemented by engaging illustrations. This book is highly recommended for anyone seeking to gain a comprehensive understanding of Political Interpretation Of Multilateral Treaties.

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