

# Rethinking Sources International Law

**COVER COMING SOON**

# Rethinking The Sources Of International Law

**Imogen Saunders**



## **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 on the Sources of International Law** Samantha Besson,Jean D'Aspremont,Sévrine Knuchel,2017 This Oxford Handbook examines the sources of international law how the understanding of sources changed throughout the history of international law how the main legal theories understood sources the relationship between sources and the legitimacy of international law and how sources differ across the various sub areas of international law      **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      **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      **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 **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 **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

### **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

**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

### **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

**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 Québec

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

*Human Rights Related Trade Measures under International Law* Anthony Cassimatis, 2007-12-31 When does international law allow a State or group of States to adopt trade measures in order to coerce another State to comply with its international obligations to

ensure respect for human rights In answering this question this book draws together complex areas of international law which include the rules prohibiting interference in the internal affairs of sovereign States the rules regulating extra territorial exercises of jurisdiction the law of State responsibility and the international legal rules requiring the protection of human rights and regulating international trade The literature on Trade and issues invariably focuses on a limited number of these areas or approaches the issues from an international relations or economic perspective This book will assist specialists in international human rights law and international trade law academic and government lawyers who advise on or implement international trade policy and those studying the use of human rights related trade measures     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 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

*Permanent Establishment* Arvid Aage Skaar, 2020-06-19 A new edition of the preeminent work on the permanent establishment PE is a major event in tax law scholarship Taking into account changes in judicial and administrative practice as well as the Organisation for Economic Co operation and Development's OECD's and the United Nations UN's work in the three decades since the first edition the present study brings the analysis up to date with the current internationally accepted interpretation of PE The analysis is based on more than 720 cases from more than 20 countries in addition to the OECD and

UN model treaties and more than 630 books articles and official documents The increased significance of the digital economy has rendered the traditional concept of PE inadequate for the allocation of taxing jurisdiction over the modern mobile or digital international business The author s in depth analysis explains the legal elements of the PE principle with attention to their continuing benefit and their shortcomings criteria defining a PE place of business location right of use duration business connection business activity ordinary course of business evidence of a right of use to a place of business business activities included in the PE concept of the tax treaties identification of projects offshore and onshore UN model treaty deviations from the OECD agency clause distinction between jurisdictions with significant natural resources and countries possessing the capital technology and know how necessary to explore and exploit these resources and how policies in each country may erode the PE concept The book provides many synopses of court decisions and administrative rulings upon which the analysis is based In addition to cases previously published in law reports and other publications a number of unpublished decisions are included A key word index makes it easy to find what is needed in any particular matter The PE principle in one version or another is used in several thousand tax treaties in force today This updated comprehensive study reveals the obligations imposed through the use of PE in tax treaties and will continue to be of immeasurable value to tax practitioners and scholars worldwide In addition the discussion of whether the notion of PE is an appropriate criterion for taxing jurisdiction in international fiscal law today provides authoritative and insightful food for thought

**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



The Top Books of the Year Rethinking The Sources Of International Law The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous engrossing novels captivating the hearts of readers worldwide. Lets delve into the realm of popular books, exploring the fascinating narratives that have enthralled audiences this year. Rethinking The Sources Of International Law : Colleen Hoover's "It Ends with Us" This touching tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover skillfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can succeed. Uncover the Best : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This intriguing historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens "Where the Crawdads Sing" This evocative coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens crafts a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These top-selling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Pape, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and thrilling novel that will keep you speculating until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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