

LAWS5165 Public International Law – Annotated Bibliography**TOPIC 2**

The international legal personality of Taiwan is highly contested. What does this situation say about the relationship between recognition and statehood in international law?

SOURCE 1

Shen, Jianming, 'Sovereignty, Statehood, Self-Determination, and the Issue of Taiwan' (2000) 15(5) *American University International Law Review* 1101.

In this article Jianming Shen analyses the status quo as it applied to the state of Taiwan. The article was written in the early 2000's in response to Taiwan's then recent liberalization and steps towards independent Statehood.

The author argues their interpretation of historic underpinnings relating to Taiwan's statehood, as well analysing Taiwan's Statehood through the Montevideo Convention criteria.

Their research focuses on assessing the inapplicability of statehood to Taiwan, mainly that it fails at the 'territorial' and 'capacity for legal relations stage'.

Shen establishes the historical and legal bases, certain invalidating factors, while additionally scrutinising past treaties, and conclusively registers their effects on the PRC's sovereignty over Taiwan which in turn, diminishes Taiwan's ability to gain statehood recognition.

A key limitation is the article's age – being over two decades old – rendering it oblivious to the implications of the 2005 PRC laws inhibiting Taiwan's cessation or pursuit of independence.

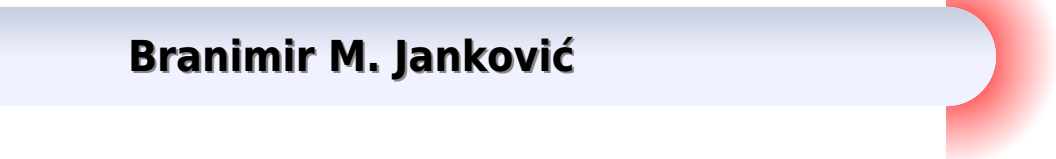
Furthermore, Shen couldn't have fathomed Taiwan's strengthened international developments of the past 30 years, nor did he choose to acknowledge that Taiwan had already started to manifest identity uniquely and separately from mainland China at the time the article was written. The author makes a firm and unequivocal conclusion that Taiwanese Statehood should be denied due to a variety of factors.

It is obvious that these contentions today do not hold up. The development of the international landscape and its application to Taiwan necessitates current critical analysis of Shen's views which suggest an underlying attachment to the One China Policy.

Though not formulating the foundation of my research, approaching Shen's arguments through a liberal democratic lens contextualises modern arguments.

Public International Law A Selective Bibliography

Branimir M. Janković



Public International Law A Selective Bibliography:

Dictionary of Public International Law Curtis F.J. Doebbler, 2018-03-19 Significant use has been made of the jurisprudence of the International Court of Justice because it is the principle judicial organ of the world's most universal international organization the United Nations. Moreover, article 103 of the Charter of the United Nations makes the obligations in this treaty superior to any other treaty obligations into which States may enter. The *Dictionary of Public International Law* contains a chronology, an introduction, glossary of Foreign Terms, tables of Treaties and Cases, an extensive bibliography, and an index. The dictionary section has over 400 cross-referenced entries on significant persons, important treaties and conventions, organizations and tribunals, and important cases and issues they have dealt with. This book is an excellent resource for students, researchers, and anyone wanting to know more about international law. *Bulletin of Bibliography and Dramatic Index*, 1918 **Public International Law**, 1995 *Bulletin of Bibliography*, 1923 *Bulletin of Bibliography and Magazine Subject-index*, 1919 *Interstitial Law-Making in Public International Law: A Study of Environmental Impact Assessments* Viviane Meunier-Rubel, 2022-09-12 Environmental Impact Assessment (EIA) requirements are quasi-universal. Praised as the core of the international legal response to ensure environmental protection, this procedure is an information tool for better public decision making which can contribute to empowering individuals and civic groups. Based on the historical background of the relevant norms and on case studies, *Interstitial Law-Making in International Law: A Study of Environmental Impact Assessments* verifies whether the role of procedure in secreting substantive law may be fulfilled in the distinctive legal system of public international law while appraising how EIA requirements have been conceived and implemented as regards encouraging all international actors to behave in an environmentally conscious way in a world of heterogeneous political regimes. This book is based on the author's award-winning doctoral dissertation which received the Yale Law School's Ambrose Gherini Prize for best paper in the field of international law, 2018. *Unity and Pluralism in Public International Law* Oriol Casanovas, 2021-10-18 The proliferation of international courts and the extension of international regulation to new areas have been considered to be threatening for the unity of Public International Law as a legal system. These developments are the consequence of the increasing formation of legal subsystems, material international regimes which continue to grow in complexity. How these trends affect the unity of the international legal system requires theoretical scrutiny of its fundamental bases. This work considers that the unity of the international legal system depends upon its normative structure and on the social medium in which it is applied: the evolving international community. A unified international legal system has as its ultimate goal the protection of human dignity through the international regulation of human rights. The question of the unifying stability of the international legal system and the development of legal subsystems within it encourages a review of the major issues of current Public International Law, considering the evolution from traditional doctrines to recent approaches. This review is done from an analytical frame that provides a deeper understanding

of the current situation of Public International Law as a legal system *International Law* Sanford Silverburg, 2018-04-19 This book offers diverse multinational perspectives on traditional and emergent issues in the practice and study of international law It deals with the evolving foundations of international law and covers a wide range of issues that link international politics to international law **Monthly Catalogue, United States Public Documents** ,1979 *On the Interface between Public and Private International Law* Campbell McLachlan, 2025-08-14 Our understanding of the operation of law beyond the nation State has been deeply shaped by two great disciplines public and private international law Yet surprisingly little systematic attention has been devoted to the relationship between the two The public private divide operates to separate the law that is concerned with the exercise of political power by States and the policy choices that we make for public purposes the domain of public international law from the exercise of economic power by corporations regulated largely by private international law In this first panoptic survey of the relation between the two fields McLachlan argues that the neglect of this interface is highly consequential for our understanding of law s capacity to control the State and the corporation Both are constructs of the law But the function of law is not merely to empower and clothe these artificial persons with legal authority it is also to impose legal responsibility where the exercise of power gives rise to a breach and causes injury to others Only by placing these two great systems side by side can we see clearly where that responsibility lies and the necessary development of the law **Reference Sources** Linda Mark, 1980 **International Economic Law and Armed Conflict** Harry H.G. Post, 2023-07-24 The impact of international armed conflict on international economic law has become a subject of renewed interest since in particular the Iran Iraq War of 1980 1988 and to a lesser extent the Falkland Malvinas War of 1982 The military operations against Iraq during the 1990 1991 Kuwait crisis and more recently the events in the former Yugoslavia have added a new dimension to this part of international law The subject of this book is the reciprocal effect of armed conflict and international economic relations The rules on visit search diversion and capture instruments such as blockade or the rules on termination or suspension of trade agreements and the law of neutrality provide classic examples Traditional and classic do not necessarily mean that these long standing rules are now invalid One of the purposes of this book is to examine the state of important rules of international prize law and of fundamental principles of the law of neutrality The essays collected here contribute to a few important capita of international economic law

Chinese (Taiwan) Yearbook of International Law and Affairs, Volume 27 (2009) ,2020-02-03 The Chinese Taiwan Yearbook of International Law and Affairs commenced publication in 1981 under the auspices of the Chinese Taiwan Society of International Law The Yearbook publishes on multi disciplinary topics with a focus on international and comparative law issues regarding Taiwan Mainland China and the Asia Pacific region The Yearbook is one of the foremost publications in the world concentrating on issues of greater China **Treaty Interpretation in Investment Arbitration** J Romesh Weeramantry, 2012-03-08 The rise of investment arbitration in the last decade has generated an unprecedented body of

arbitral case law The work of these arbitral tribunals has provided scholars and practitioners with public international law jurisprudence including materials on treaty interpretation which has not yet been thoroughly analysed This book evaluates the contribution of investment arbitration treaty interpretation jurisprudence to international law covering all key aspects of treaty interpretation Included in the book's coverage are awards which feature in prominent discussions or in applications of treaty interpretation rules Among the significant portion of arbitral awards analysed which deal with investment treaties are ICSID awards ad hoc investment arbitration awards NAFTA awards and Energy Charter Treaty awards The extensive analysis of investment arbitration awards and decisions has also been used to create a table highlighting both the references to principles of treaty interpretation and instances in which they were rejected This invaluable insight into the practice of investment tribunals will be of interest to both practitioners and academics alike Foreword by by Professor Michael Reisman Yale Law School _ *Climate Justice* T. Thorp, 2014-08-28 In this ground breaking work Teresa Thorp tackles the causes and effects of climate injustice by methodically mapping out an approach by which to reach a negotiated consensus with legal force to protect present and future generations Using the law and policy of climate change as a vehicle for illustrating how to shape our future she comprehensively overturns the widely held contemporary view of climate justice as inconstant charitable acts relative systemic notions and static concepts isolated from the common good and a congruent rule of law Responding to the adverse impacts of climate change heat waves extended drought severe flooding and desertification which represent an urgent and potentially irreversible threat to human societies and the planet requires a new and cohesive way of thinking about global policy and the law The mission of guaranteeing and realising human dignity human security and human rights is multi fold Looking through the lens of kaleidoscopic normativity an extensible language anchored in common juridical elements should facilitate how norms enter the socio legal frame and interact within it Users need to be able to display and interpret the congruent legal norm in order to obey and apply it Galvanising this process by constitutionalising first principles and consequential norms is vital for attaining fraternity between nations and among all people div Climate Justice A Voice for the Future is an essential read for scholars practitioners and all those genuinely interested in reaching consensus on a post 2015 global climate accord a unified development agenda and a cohesive pact for disaster risk reduction

Public International Law Branimir M. Janković, 1984 **International Law in Comparative Perspective** William E. Butler, 2024-11-04 *The Impact of International Organizations on International Law* José E. Alvarez, 2016-11-07 The Impact of International Organizations on International Law addresses how international organizations particularly those within the UN system have changed the forms contents and effects of international law Professor Jose Alvarez considers the impact on sovereigns and actions taken by the contemporary Security Council the UN General Assembly and UN Specialized Agencies such as the World Health Organization He considers the diverse functions performed by adjudicators from judges of the International Criminal Court to arbitrators within the international investment regime This text raises fundamental questions

concerning the future of international law given the challenges international organizations pose to legal positivism to traditional conceptions of sovereignty and to the rule of law itself A masterfully crafted piece of scholarship that engages with the very raison d'être of international organizations Written by one of the leading authorities in the field this book provides an insightful perspicacious and to the point analysis of the impact of international organizations in today's international legal order while also shedding light on their weaknesses A must read for all those whose work touches upon the law of international organization Laurence Boisson de Chazournes University of Geneva The role of Public International Law rooted largely in decisions of or relating to international institutions has been steadily quietly re-shaping international economic relations and other links between states and regions for decades There is no greater authority on international organizations within the American law community than Professor Jos Alvarez This volume illuminates these trends as well as their limitations and vulnerabilities It delivers a first rate incisive primer on the field David M Malone Under Secretary General of the United Nations Rector of the UN University

Czech Yearbook of International Law - Public Policy and Ordre Public - 2012 Alexander J. Bělohlávek ,Prof. JUDr. Naděžda Rozehnalová, 2012-04-01 We are proud to present to our readers Czech Yearbook of International Law 2012 Volume 3 The overarching topic of this volume Public Policy and Ordre Public turns its focus to the doctrine which is inherently connected with private international law which is true only at first glance The problem of Public Policy and Ordre Public is intertwined more deeply in the national legal orders than virtually any legal branch However the platform of private international law through which these doctrines emerge and find its strongest application is in the cross border traffic of the court and extra court decisions In these relationships the most important differences in understanding the extent and nature of these terms take shape The third volume of the Czech Yearbook of International Law focuses on the uncovering of national differences and the comparison of such doctrines in a global perspective CYIL 2012 takes into account the completely different connotations given to both doctrines in the United States and the Common Law countries in continental Europe Institutions participating in the CYIL Project Academic institutions within Czech Republic Masaryk University Brno Faculty of Law Department of International and European Law University of West Bohemia in Pilsen Faculty of Law Department of Constitutional Law Department of International Law V B TU Ostrava Faculty of Economics Department of Law Department of European Law Department of Commercial Law Centre for Comparative Law of the Faculty of Law Charles University University College of International and Public Relations Prague Institute of State and Law of the Academy of Sciences of the Czech Republic v v i Non academic institutions in the Czech Republic Office of the Government of the Czech Republic Department of Legislation Prague Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic Prague ICC National Committee Czech Republic Commission on Arbitration Prague Institutions outside Czech Republic participating in the CYIL Project Austria University of Vienna Department of European International and Comparative Law Section for International

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The State Immunity Controversy in International Law Ernest K. Bankas, 2005-12-05 The author shows through a careful analysis of the law that restrictive immunity does not have vox populi in developing countries and that it lacks usus He also argues that forum law i e the lex fori is a creature of sovereignty and between equals before the law only what is understood and acknowledged as law among states must be applied in as much as the international legal system is horizontal Furthermore the state never acts as a juridical or natural person and therefore in logical terms its functions cannot be divided into potere politico and persona civile as a prelude to determine jurisdiction The said Italian doctrine therefore is ex facie erroneous and that a simple dichotomy between absolute immunity and restrictive immunity wholly predicated on the nature test alone would not be helpful in promoting justice Hence arbitration and comparative dominant theory are suggested instead in the resolution of this elusive problem

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Table of Contents Public International Law A Selective Bibliography

1. Understanding the eBook Public International Law A Selective Bibliography
 - The Rise of Digital Reading Public International Law A Selective Bibliography
 - Advantages of eBooks Over Traditional Books
2. Identifying Public International Law A Selective Bibliography
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Public International Law A Selective Bibliography
 - User-Friendly Interface
4. Exploring eBook Recommendations from Public International Law A Selective Bibliography
 - Personalized Recommendations
 - Public International Law A Selective Bibliography User Reviews and Ratings

- Public International Law A Selective Bibliography and Bestseller Lists
- 5. Accessing Public International Law A Selective Bibliography Free and Paid eBooks
 - Public International Law A Selective Bibliography Public Domain eBooks
 - Public International Law A Selective Bibliography eBook Subscription Services
 - Public International Law A Selective Bibliography Budget-Friendly Options
- 6. Navigating Public International Law A Selective Bibliography eBook Formats
 - ePub, PDF, MOBI, and More
 - Public International Law A Selective Bibliography Compatibility with Devices
 - Public International Law A Selective Bibliography Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Public International Law A Selective Bibliography
 - Highlighting and Note-Taking Public International Law A Selective Bibliography
 - Interactive Elements Public International Law A Selective Bibliography
- 8. Staying Engaged with Public International Law A Selective Bibliography
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Public International Law A Selective Bibliography
- 9. Balancing eBooks and Physical Books Public International Law A Selective Bibliography
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Public International Law A Selective Bibliography
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Public International Law A Selective Bibliography
 - Setting Reading Goals Public International Law A Selective Bibliography
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Public International Law A Selective Bibliography
 - Fact-Checking eBook Content of Public International Law A Selective Bibliography
 - Distinguishing Credible Sources

13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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