



# International Law And How We Use It

**Christian Reus-Smit**



## **International Law And How We Use It:**

*International Law Reports* Elihu Lauterpacht, C. J. Greenwood, Andrew Oppenheimer, 2007-10-18 Reports in English on decisions of international courts and arbitrators and judgments of national courts      *The Politics of International Law* Christian Reus-Smit, 2004-04-29 Politics and law appear deeply entwined in contemporary international relations Yet existing perspectives struggle to understand the complex interplay between these aspects of international life In this path breaking volume a group of leading international relations scholars and legal theorists advance a new constructivist perspective on the politics of international law They reconceive politics as a field of human action that stands at the intersection of issues of identity purpose ethics and strategy and define law as an historically contingent institutional expression of such politics They explain how liberal politics has conditioned modern international law and how law feeds back to constitute international relations and world politics This new perspective on the politics of international law is illustrated through detailed case studies of the use of force climate change landmines migrant rights the International Criminal Court the Kosovo bombing campaign international financial institutions and global governance      **The Oxford Handbook of Jurisdiction in**

**International Law** Stephen Allen, Steve Allen, Daniel Costelloe, Malgosia Fitzmaurice, Paul Gragl, Edward Guntrip, 2019 This Handbook provides an authoritative and comprehensive analysis of the concept of jurisdiction in international law The authors undertake a thematic analysis of its history its contemporary application and how it needs to adapt to encompass future developments in international law      International Law Anders Henriksen, 2019 International Law presents a student focused approach to the subject clearly written with non native English speaking students in mind a range of learning features highlight the areas of debate and encourage students to engage critically with key disputes      **The Authority of International Law** Başak Cali, 2015 The question of the authority of international law over domestic authorities and the duties of state officials to international law are fundamental concerns in international legal theory and practice The Authority of International Law Obedience Respect and Rebuttal addresses these concerns by reframing the present accounts of authority in international law construing its authority as imposing three different layers of duties on domestic officials the duty to obey the duty to respect and the duty to rebut The book provides an original interpretation of this authority one that is not tied to prior state consent or domestic constitutional frameworks It offers a nuanced account arguing that whether or not international law is obeyed within any given situation depends on the type of duty it imposes on the state and that duty's normative force There is no strict framework in which international law always trumps domestic law or vice versa Instead Cali presents a realistic account of when international law has absolute authority and when it can afford a margin of appreciation to states The Authority of International Law contributes to existing debates by considering the gap between consent based jurisprudential theories of authority and self interest and identity based theories of compliance and by considering monism dualism and normative pluralism as theories for addressing authority competition between domestic

legal orders and international law      **International Law** Donald Rothwell, Stuart Kaye, Afshin Akhtarkhavari, Ruth Davis, 2014-05-02 International Law Cases and Materials with Australian Perspectives is the authoritative textbook for Australian international law students Written by a team of experts it examines how international law is developed implemented and interpreted and features comprehensive commentary throughout All core areas of the law are covered with chapters on human rights law of the sea international environmental law and enforcement of international law Cases and treaties are dissected to highlight the key principles rules and distinctive learning points This new edition has been thoroughly updated in line with recent developments in the field and includes a new chapter on the use of force as well as expanded content on the enforcement of international law including sanctions law enforcement against pirates and the 2011 Libyan conflict International Law provides clear and rigorous analysis and is an indispensable resource for law students

An Introduction to Public International Law Cecily Rose, Niels Blokker, Daniëlla Dam-de Jong, Simone van den Driest, Robert Heinsch, Erik Koppe, Nico Schrijver, 2022-03-03 Provides an accessible balanced and nuanced introduction to public international law with examples of how the law applies in practice      International Law and Armed Conflict: Exploring the Faultlines Michael Schmitt, Jelena Pejic, 2007-08-30 International law and armed conflict exist in a symbiotic relationship In some cases law shapes conflict proactively by imposing normative limits in advance of the appearance of proscribed conduct Much more commonly armed conflict either reveals lacunae in the law or demonstrates how law designed for yesterday's wars falls short when applied to contemporary conflict When that happens international law reacts by allowing provisions to fall into desuetude embracing new interpretations of existing prescriptions or generating new norms through practice or codification In the 21st Century both international security and armed conflict are the subject of arguably unprecedented sea changes As a result claims that both the jus ad bellum and jus in bello are unwieldy and ill fitting in the context of modern hostilities have surfaced prominently Whether one agrees with such dire assessments what has become clear is that armed conflict is increasingly exposing faultlines in the law governing the resort to force The intent of this collection of essays in honour of Professor Yoram Dinstein on the occasion of his 70th birthday is to explore such faultlines first by identifying them and then by assessing their consequences In a sense then the essays contributed by the top minds in the field will serve to assist academics and practitioners to anticipate pressure on the law governing armed conflict and to the extent possible react accordingly Paralleling Professor Dinstein's classic works War Aggression and Self Defence and The Conduct of Hostilities Under the Law of International Armed Conflict the book addresses both ius ad bellum and ius in bello topics      **Formalism and the Sources of International Law** Jean d'Aspremont, 2011-09-15 As a result of the growing prominence of international organizations and non binding instruments there is increasing controversy as to how to delineate the boundaries of international law This book advocates a return to a more formal way of determining what is and isn't international law and suggests ways in which this formalism can be modernized      *International Law Theories* Andrea

Bianchi,2016-11-04 Two fish are swimming in a pond Do you know what the fish asks his friend No tell me I was talking to a frog the other day And he told me that we are surrounded by water His friend looks at him with great scepticism Water Whats that Show me some water International lawyers often find themselves focused on the practice of the law rather than the underlying theories This book is an attempt to stir up the water that international lawyers swim in It analyses a range of theoretical approaches to international law and invites readers to engage with different ways of legal thinking in order to familiarize themselves with the water all around us of which we hardly have any perception The main aim of this book is to provide interested scholars practitioners and students of international law and other disciplines with an introduction to various international legal theories their genealogies and possible critiques By providing an analytical approach to international legal theory the book encourages readers to enhance their sensitivity to these different approaches and to consider how the presuppositions behind each theory affect analysis research and practice in international law International Law Theories is intended to assist students scholars and practitioners in reflecting more generally about how knowledge is formed in the field

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 Use of Force in International Law* Tom Ruys,Olivier Corten,Alexandra Hofer,2018-04-26 The international law on the use of force is one of the oldest branches of international law It is an area twinned with the emergence of international law as a concept in itself and which sees law and politics collide The number of armed conflicts is equal only to the number of methodological approaches used to describe them Many violent encounters are well known The Kosovo Crisis in 1999 and the US led invasion of Iraq in 2003 spring easily to the minds of most scholars and academics and gain extensive coverage in this text Other conflicts including the Belgian operation in Stanleyville and the Ethiopian Intervention in Somalia are often overlooked to our peril Ruys and Corten s expert written text compares over sixty different instances of the use of cross border force since the adoption of the UN Charter in 1945 from all out warfare to hostile encounters between individual units targeted killings and hostage rescue operations to ask a complex question How much authority does the power of precedent really have in the law of the use of force

*Oppenheim's International Law: United Nations* Rosalyn Higgins,Philippa Webb,Dapo Akande,Sandesh Sivakumaran,James Sloan,2018-12-13 The United Nations whose specialized agencies were the subject of an Appendix to the 1958 edition of Oppenheim s International Law Peace has expanded beyond all recognition since its founding in 1945 This volume represents a study that is entirely new but prepared in the way that has become so familiar over succeeding editions of Oppenheim An authoritative and comprehensive study of the United Nations legal practice this volume covers the formal structures of the UN as it has expanded over the years and all that this complex organization does All substantive issues are addressed in separate sections including among others the responsibilities of the UN financing immunities human rights

preventing armed conflicts and peacekeeping and judicial matters In examining the evolving structures and ever expanding work of the United Nations this volume follows the long held tradition of Oppenheim by presenting facts uncoloured by personal opinion in a succinct text that also offers in the footnotes a wealth of information and ideas to be explored It is book that while making all necessary reference to the Charter the Statute of the International Court of Justice and other legal instruments tells of the realities of the legal issues as they arise in the day to day practice of the United Nations Missions to the UN Ministries of Foreign Affairs practitioners of international law academics and students will all find this book to be vital in their understanding of the workings of the legal practice of the UN Research for this publication was made possible by The Balzan Prize which was awarded to Rosalyn Higgins in 2007 by the International Balzan Foundation     **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     International Law and the Quest for Its Implementation Laurence Boisson De Chazournes, Marcelo Gustavo Kohen, 2010 This Liber Amicorum in honour of Professor Vera Gowlland Debbas covers most of the topical problems of contemporary international law in particular those related to the United Nations human rights and humanitarian law law making compliance and peaceful settlement of disputes

*The Progression of International Law* Yoram Dinstein, Fania Domb, 2011-11-11 This volume was produced to celebrate the fortieth anniversary of the Israel Yearbook on Human Rights Forty years have yielded an impressive forty annual volumes When it was started in 1971 the Yearbook was the first of its kind anywhere in the world It has always understood its mandate as transcending the narrow borders of the discipline of either national or international human rights From the outset international humanitarian law and international criminal law were understood as coming within the proper framework of the Yearbook as were on occasion articles on diverse freedoms that may seem out of bounds to a strict interpreter of the phrase human rights     *The International Law of Investment Claims* Zachary Douglas, 2009-06-11 The International Law of Investment Claims considers the distinct principles governing the prosecution of a claim in investment treaty arbitration The principles are codified as 54 rules of general application on the juridical foundations of investment treaty arbitration the jurisdiction of the tribunal the admissibility of claims and the laws applicable to different aspects of the investment dispute The commentary to each proposed rule contains a critical analysis of the investment treaty jurisprudence and makes extensive reference to the decisions of other international courts and tribunals as well as to the relevant experience of municipal legal orders Solutions are elaborated in respect of the most intractable problems that have arisen in the cases including the effect of an exclusive jurisdiction clause in an investment agreement with the host state reliance on the MFN clause in relation to jurisdictional provisions and the legitimate scope of derivative claims by shareholders

**Consenting to International Law** Samantha Besson, 2023-11-29 The obligations stemming from international law are still predominantly considered despite important normative and descriptive critiques as being based on State consent To that extent international law differs from domestic law where consent to the law has long been considered irrelevant to law making whether as a criterion of validity or as a ground of legitimacy In addition to a renewed historical and philosophical interest in State consent to international law including from a democratic theory perspective the issue has also recently regained in importance in practice Various specialists of international law and the philosophy of international law have been invited to explore the different questions this raises in what is the first edited volume on consent to international law in English language The collection addresses three groups of issues the notions and roles of consent in contemporary international law its objects and types and its subjects and institutions

**Alternative Visions of the International Law on Foreign Investment** C. L. Lim, 2016-03-03 This book is about the forces that are reshaping the international law on foreign investment today It begins by explaining the liberal origins of contemporary investment treaties before addressing a current backlash against these treaties and the device of investment arbitration The book describes a long standing legal intellectual resistance to a neo liberal global economic agenda and how tribunals have interpreted various treaty standards instead It introduces our reader to the changes now taking place in the design of a range of familiar treaty clauses and it describes how some of these changes are now driven not only by developing and emerging economies but also by the capital exporting nations Finally it explores the life career and writings of Muthucumaraswamy Sornarajah a scholar whose work has been dedicated to the realisation of many of these changes and his views about the hold global capital has over legal practice

**International Law and the Use of Force** Anthony Clark Arend, Robert J. Beck, 2014-02-04 When the United Nations Charter was adopted in 1945 states established a legal paradigm for regulating the recourse to armed force In the years since then however significant developments have challenged the paradigm s validity causing a paradigmatic shift International Law and the Use of Force traces this shift and explores its implications for contemporary international law and practice

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