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TREATIES AND SUBSEQUENT PRACTICE

Edited by Georg Nolte



Treaties And Subsequent Practice Treaties And Subsequent Practice

Irina Buga



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Subsequent Agreements and Subsequent Practice in Domestic Courts Katharina Berner, 2017-11-21 The book analyses how subsequent agreements and subsequent practice as defined in articles 31 and 32 of the 1969 Vienna Convention on the Law of Treaties have been applied in interpretative reality Based on the jurisprudence of domestic courts it elucidates the distribution of power between the parties to a treaty and other actors To start with the book traces the origins of subsequent agreements and subsequent practice and places them in their broader legal context Next it explores the legal status and effects of subsequent agreements and subsequent practice explains why such agreements are only rarely used and defines the relevance of non party practice in the interpretative process In closing it critically examines how domestic courts have approached the normative heart of subsequent practice i e the notion of agreement Thus this book ultimately challenges the traditional assumption that the parties are the joint masters of the treaty

Conceptual and Contextual Perspectives on the Modern Law of Treaties Michael J. Bowman, Dino Kritsiotis, 2018-10-25 In recent years there has been a flourishing body of work on the Law of Treaties crucial for all fields within international law However scholarship on modern treaty law falls into two distinct strands which have not previously been effectively synthesized One concerns the investigation of concepts which are fundamental to or inherent in the law of treaties generally such as consent object and purpose breach of obligation and provisional application while the other focuses upon the application of treaties and of treaty law in particular substantive e g human rights international humanitarian law investment protection environmental regulation or institutional contexts including the Security Council the World Health Organization the International Labour Organization and the World Trade Organization This volume represents the culmination of a series of collaborative explorations by leading experts into the operation development and effectiveness of the modern law of treaties as viewed through these contrasting perspectives

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Niels M. Blokker, 2020-10-20 In its famous first words the UN Charter expresses the determination of the peoples of the United Nations to save succeeding generations from the scourge of war which twice in our lifetime has brought untold sorrow to mankind In order to achieve this a new world organization was established with a key responsibility for the Security Council The aim of this book is to evaluate the functioning of the Security Council during its first 75 years from an institutional legal perspective It analyzes three issues that were not only hotly debated when the United Nations was founded but have also been highly relevant for the Council s functioning in practice and are likely to remain so in the future the right of veto for the permanent members the rule of law and the size of the Council the need for enlargement *The European*

Convention on Human Rights and General International Law Anne van Aaken, Iulia Motoc, 2018-09-20 The European Court of Human Rights is one of the main players in interpreting international human rights law where issues of general international law arise While developing its own jurisprudence for the protection of human rights in the European context it remains embedded in the developments of general international law However because the Court does not always follow general international law closely and develops its own doctrines which are in turn influential for national courts as well as other international courts and tribunals a feedback loop of influence occurs This book explores the interaction including the problems arising in the context of human rights between the European Convention on Human Rights and general international law It contributes to ongoing debates on the fragmentation and convergence of international law from the perspective of international judges as well as academics Some of the chapters suggest reconciling methods and convergence while others stress the danger of fragmentation The focus is on specific topics which have posed special problems namely sources interpretation jurisdiction state responsibility and immunity **The Obligation to Extradite or Prosecute**

Kriangsak Kittichaisaree, 2018-03-02 Prosecution of serious crimes of international concern has been few and far between before and even after the establishment of the International Criminal Court in 2002 Hope thus rests with the implementation of the international legal obligation for States to either extradite or prosecute such perpetrators among themselves or surrender them to a competent international criminal court This obligation was considered by the United Nations International Law Commission ILC which submitted its final report in 2014 Kittichaisaree Chairman of the ILC Working Group on that topic not only provides a guide to the final report offering an analysis of the subject and a unique summary of its drafting history he also covers important issues left unanswered by the report including the customary international legal status of the obligation the role of the universal jurisdiction immunities of State officials and impediments to the surrender of offenders to international criminal courts Authoritative encyclopaedic and essential to those in the field The Obligation to

Extradite or Prosecute also offers practical solutions as to the road ahead The Idea of International Human Rights Law Steven Wheatley, 2019-01-17 International human rights law has emerged as an academic subject in its own right separate from but still related to international law This book explains the distinctive nature of this discipline by examining the influence of the idea of human rights on general international law Rather than make use of a particular moral philosophy or political theory it explains human rights by examining the way the term is deployed in legal practice on the understanding that words are given meaning through their use Relying on complexity theory to make sense of the legal practice of the United Nations the core human rights treaties and customary international law the work demonstrates the emergence of the moral concept of human rights as a fact of the social world It reveals the dynamic nature of this concept and the influence of the idea on the legal practice a fact that explains the fragmentation of international law and special nature of international human rights law International Law and... August Reinisch, Mary E Footer, Christina Binder, 2016-11-03 The European Society of International Law ESIL is known for its particularly dynamic character After 10 years of existence it has proved that it is one of the most cutting edge scholarly associations in the field of public international law At its 10th Anniversary Conference in September 2014 which was held in Vienna participants assembled in order to discuss International law and the proceedings of which are published here Going beyond the usual related disciplines of political science international relations economics and history this conference ventured into less well trodden paths exploring the links between international law and cinema philosophy sports the arts and other areas of human endeavour As the proceedings show it is clear that international law has long been influenced by other fields of law and other disciplines They also explore whether the boundaries of international law have been crossed and if so in what ways **Research Handbook on Intellectual Property and Moral Rights** Ysolde Gendreau, 2023-09-06 This comprehensive Research Handbook examines moral rights since their establishment in the 19th century and considers the roles they play in the 21st century in relation to the technological environment in which copyright exists Drawing together rich perspectives on intellectual property law around the world this Research Handbook provides new insights on the traditional issues of moral rights and analyses more recent challenges in copyright law patent law and trademark law **The ^AOxford Handbook of United Nations Treaties** Simon Chesterman, David M. Malone, Santiago Villalpando, 2019-05-30 This book brings together world experts on the United Nations and international law to examine not only the content of that legal regime but how it has been transformed since the second half of the twentieth century *Basic Documents on International Investment Protection* Martins Paparinskis, 2019-05-30 International law of foreign investment is a field of public international law that has attracted considerable attention from practitioners academics and policy makers in the last two decades Its key characteristic is the extent of substantive and procedural decentralisation while often sharing certain structural elements both substantive obligations and mechanisms of international dispute settlement are mostly opposable only between the particular parties

even when expressed in multilateral form This makes a clear and comprehensive overview of the topic particularly important The second edition adopts a new structure that better reflects the concurrence of various reform proposals with the fairly stable stratum of instruments that inform the current practice With this systemic dynamic in mind the selected documents are divided into three parts Past Present and Future The Past sets out the legal background to modern investment protection law The Present provides generalist international law materials sources and responsibility a selection of the more important instruments with substantive investment rules and rules of international dispute settlement regarding investment protection The Future new for the second edition lists a number of possible directions of future development including a variety of approaches that maintain the traditional procedural kernel of investor State arbitration as well as proposals for more significant change with non State actor involvement in dispute settlement either rejected or moulded into a judicial mechanism This highly regarded book is aimed at teachers students practitioners and policymakers in the area It can be used both as a practitioners handbook and as a classroom companion for courses on international dispute settlement and investment protection law

Law-Making and Legitimacy in International Humanitarian Law Püschmann, Jonas, 2021-10-19 International Humanitarian Law IHL is in a state of some turbulence as a result of among other things non international armed conflicts terrorist threats and the rise of new technologies This incisive book observes that while states appear to be reluctant to act as agents of change informal methods of law making are flourishing Illustrating that not only courts but various non state actors push for legal developments this timely work offers an insight into the causes of this somewhat ambivalent state of IHL by focusing attention on both the legitimacy of law making processes and the actors involved

Evolving Constitutions of the International Organizations Tetsuo Satō, 1996-06-19 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

Interpretation of International Investment Treaties Tarcisio Gazzini, 2016-11-03 This book offers a systematic study of the interpretation of investment related treaties primarily bilateral investment treaties the Energy Charter Treaty Chapter XI NAFTA as well as relevant parts of Free Trade Agreements The importance of interpretation in international law cannot be overstated and indeed most treaty claims adjudicated before investment arbitral tribunals have raised and continue to raise crucial and often complex issues of interpretation The interpretation of investment treaties is governed by the Vienna Convention on the Law of Treaties VCLT

The disputes relating to these treaties however are rather peculiar as they place multinational companies or natural person in opposition to sovereign governments Fundamental questions dealt with in the study include Are investment treaties a special category of treaty for the purpose of interpretation How have the rules on interpretation contained in the VCLT been applied in investment disputes What are the main problems encountered in investment related disputes To what extent are the VCLT rules suited to the interpretation of investment treaties Have tribunals developed new techniques concerning treaty interpretation Are these techniques consistent with the VCLT How can problems relating to interpretation be solved or minimised How creative have arbitral tribunals been in interpreting investment treaties Are States capable of keeping effective control over interpretation

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