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Treaty Interpretation, 2008-06-19 This book explains the rules for interpretation of treaties and gives examples of their application in national and international jurisdictions The rules of treaty interpretation codified in the Vienna Convention on the Law of Treaties now apply to virtually all treaties which may be encountered in an international context and also within national legal systems where treaties have an impact on a large and growing range of matters The rules of treaty interpretation differ somewhat from typical rules for interpreting legal instruments and legislation within national legal systems Lawyers and also some administrators diplomats and officials at international organisations are increasingly likely to encounter issues of treaty interpretation which require not only knowledge of the relevant rules of interpretation but also how these rules have been and are to be applied in practice Now that the codified rules of treaty interpretation have been in force for some twenty five years there is a considerable body of case law on their application This case law combined with the history and analysis of the rules of treaty interpretation provides a basis for understanding this most important task in the application of treaties internationally and within national systems of law Any lawyer who ever has to consider international matters and increasingly any lawyer whose work involves

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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

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Patterns of Treaty Interpretation as Anti-Fragmentation Tools Liliana E. Popa, 2017-12-29 This book investigates whether treaty interpretation at the ECtHR and WTO which are sometimes perceived as promoting self contained regimes could constitute a means for unifying international law or conversely might exacerbate the fragmentation of international law In this regard the practice of the ICJ on treaty interpretation is used for comparison since the ICJ has made the greatest contribution to the development and clarification of international law rules and principles Providing a critical analysis of cases at the ICJ ECtHR and WTO both prior to and since the adoption of the 1969 Vienna Convention on the Law of Treaties the book reveals how the ECtHR and WTO apply the general rules of treaty interpretation in patterns which are similar to those used by the ICJ to address difficulties in interpreting the text of treaties Viewed in the light of the ECtHR s and WTO s interpretative practices both the VCLT s general rules of interpretation and the ICJ s interpretative practice serve to counteract the fragmentation of international law

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Uniformity and Fragmentation of the 1999 Montreal Convention on International Air Carrier Liability Cyril-Igor Grigorieff, 2022-05-12 The 1999 Montreal Convention is the most recent in force treaty to regulate several important aspects of international air carrier liability in a uniform manner This book examines in detail to what extent the 1999 Montreal Convention's aim of uniformity has been achieved To this end it scrutinizes the exact scope of this aim and analyses the factors that may have prevented it from being fully achieved It studies the wording of the treaty and its predecessors their travaux préparatoires the judicial decisions of numerous civil and common law jurisdictions as well as various other interpretative tools Among many others themes addressed in this study include exclusivity the autonomy of terms used translation issues accident bodily injury damage delay consumer rights the 1969 Vienna Convention on the Law of Treaties hermeneutics the Warsaw System regional air law including EU Regulation 261/2004 and algorithms The study also suggests ways to reduce the fragmentation of the 1999 Montreal Convention with a series of directly applicable recommendations and an analysis of what Artificial Intelligence could mean for the future This book which is intended to be practical is aimed at all lawyers well versed in aviation law as well as aviation enthusiasts They will find it a useful tool for interpreting the 1999 Montreal Convention in a manner consistent with its ambition as well as recent case law from all continents on hot topics

International Law in the Transition to Peace Carina Lamont, 2021-11-14 This book proposes a normative framework specifically designed for the complex and legally uncertain time period between armed conflicts and peace As such it contributes both to the furthering of a jus post bellum framework and to enhanced legal clarity in complex and legally uncertain environments This in turn contributes to strengthened protection engagements and thus to improved prospects of enabling sustainable peace and security in both national and international perspectives The book offers a novel but persuasive argument for a legal framework specific for transitional environments Such legal framework it is argued is warranted in order to enable legal clarity to contemporary and outstanding legal issues as well as to furthering peace efforts in complex environments The legal framework suggested proposes a dividing line between applicable legal frameworks that it is submitted enhances both legal clarity on protection engagements and the quest for sustainable peace The framework proposed is founded on a legal analysis of the protective nature and function of law It thus provides a rare but important perspective on law that is of value in the quest for sustainable peace and security The research draws uniquely on both contemporary legal debates and on peace and conflict research It does so in order to enable legal analysis that is both legally sound as well as appropriate and adequate in today's peace and security realities The book provides a valuable resource for academics researchers and policy makers in the areas of Public International Law International Humanitarian Law International Human Rights Law the law of Peace Operations and Peace and Security Studies *Incorporating Indigenous*

Rights in the International Regime on Biodiversity Protection Federica Cittadino, 2019-08-12 In *Incorporating Indigenous Rights in the International Regime on Biodiversity Protection* Federica Cittadino convincingly interprets the Convention on Biological Diversity CBD and its related instruments in light of indigenous rights and the principle of self determination Cittadino's harmonisation of these formally separated regimes serves at least two main purposes First it ensures respect for the human rights framework that protects indigenous rights whilst implementing the biodiversity regime Second harmonisation allows for the full operationalisation of the indigenous related provisions of the CBD framework that concern traditional knowledge genetic resources and protected areas Federica Cittadino successfully demonstrates that the CBD may allow for the protection of indigenous rights in ways that are more advanced than under current human rights law **The**

Standard of Review before the International Court of Justice Felix Fouchard, 2024-05-02 This book examines how the International Court of Justice ICJ reviews State behaviour through the prism of the standard of review It develops a novel rationale to support the ICJ's application of deferential standards of review as a judicial avoidance technique based on strategic considerations It then goes on to empirically assess all 31 decisions of the Court in which the standard of review was at issue showing how the Court determines that standard and answering the question of whether it varies its review intensity strategically As a result the book's original contribution is two fold establishing a new rationale for judicial deference that can be applied to all international courts and tribunals and providing the first comprehensive empirical analysis of the ICJ's standards of review It will be beneficial to all scholars of the Court and those interested in judicial strategy **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

Regulating Autonomous Vessels Eva Ricarda Lange, 2025-04-17 This book adds to the legal research on autonomous vessels and proposes a combined international supranational regulation concept introducing the reader to the most urgent international legal aspects with respect to autonomous ships The future legal framework must be technology neutral and reliable and it has to be in place as soon as possible to integrate autonomous ships into the existing international legal framework The book provides the reader with a comprehensive and innovative comparison of different regulatory approaches including regional and European instruments The effect of non binding instruments is analyzed based on rational choice theory **International Negotiation** Evangelos Raftopoulos, 2019-01-03 Evangelos Raftopoulos explores international negotiation as a structured process of relational governance that generates international common interest between and among international participants and in relation to the international public order He challenges prescriptive models of negotiation developed in international relations and positivistic approaches to international law which artificially separate treaties from negotiation in the name of objectivity and opens a window for looking at international negotiations from a novel international law perspective Using an interdisciplinary approach that incorporates law philosophy politics and linguistics he

proposes a holistic theoretical model of multilateral international negotiation that not only offers a subjective view of international law in practice but also demonstrates the importance of understanding the horizontal normativity of international ordering This work should be read by academics and practitioners of international law and negotiations officials of international organizations and anyone else interested in international law and international relations Digital Resilience Dale Stephens, Matthew Stubbs, Samuel White, 2025-04-19 This book arises from a cybersecurity conference at the University of Adelaide attended by a group of government and academic experts It presents the possible responses Australia can take to deter and respond to cybersecurity threats It also examines the legal responsibility for cyber security and artificial intelligence asking who if anyone bears responsibility for the myriad legal issues that arise This book presents an authoritative legal framework for understanding the liability and responsibility of actors involved in cyberspace and the use of artificial intelligence Providing an overarching summary of cybersecurity and artificial intelligence threats followed by detailed analysis of potential authorizations and limitations regulating policy and governance responses this book canvases a wide spectrum of civil and criminal frameworks It is comprehensive enough to be useful for a wide cross section of the Australian society in a range of sectors individual users small businesses tertiary institutions large corporations and government It is also beneficial to military personnel in outlining the legal frameworks available in times of armed conflict

Stockholm Arbitration Yearbook 2022 Axel Calissendorff, Patrik Schöldström, 2023-01-10 Stockholm Arbitration Yearbook 2022 Volume 4 Each year Stockholm is the arbitration seat of choice for numerous parties endeavouring to resolve international disputes It is the second most used venue for investment disputes and it is often the venue for disputes arising from the Energy Charter Treaty ECT This annual publication launched under the auspices of the Stockholm Centre for Commercial Law is designed to meet the information needs of arbitration practitioners and parties from all over the world The present edition's topics include the impact of EU law on dispute resolution in international investment and trade agreements execution of arbitral award against sovereign wealth fund assets recent Nordic case law related to post M expert decisions corruption and arbitration and investment protection under the ECT in relation to an underwater gas pipeline project The Yearbook provides both perspective and detailed analyses that will be welcomed by arbitration practitioners counsel and judges deciding arbitration cases It will also provide valuable insights for arbitration academics in house counsel at multinational companies and arbitral institutions worldwide Sea Level Change and Maritime Boundaries Antoine Grima, 2023-06-23 Climate change is modifying in varying measure the coastal geography of States The phenomenon is not temporary but is expected to carry on during the 21st century and beyond A distinctive feature of modern international law is the concept of maritime zones Each maritime area is subject to an intricate scheme of States rights and obligations Coastal geography is a fundamental component of a long standing method developed and agreed upon between States to establish the outward limits of these areas A feature of this method is the baseline In international law it is the only reference line from

where the outward limits of maritime zones are measured There are clear rules on how this is established along a coast There is a concern amongst a number of States that rising sea water levels as a result of climate change may compel them to shift their baselines inward thus affecting the outward limits of their maritime zones It is clear that the stability of maritime boundaries is put into question and this may bring about serious political legal and economic repercussions This concern may also affect the outcome of dispute settlement procedures before a competent international court or tribunal the purpose of which is to resolve overlapping maritime claims Key questions emerge What is the role played by coastal geography in the legal regime determining the outward limits of maritime zones What are the consequences of changes to coastal geography To what extent are dispute settlement procedures before a Court or Tribunal immune from this concern Is international law able to address this If so in what way and what are its limits What can be done to resolve this

The European Social Charter and the Employment Relation Niklas Bruun, Klaus Lörcher, Isabelle Schömann, Stefan Clauwaert, 2017-01-12 This collection addresses the potential of the European Social Charter to promote and safeguard social rights in Europe Drawing on the expertise of the ETUI Transnational Trade Union Rights expert network from across Europe it provides a comprehensive commentary on these fundamental rights Taking a two part approach it offers an in depth legal analysis of the European Social Charter as a new social constitution for Europe investigating first the potential of the general legal frame in which the Charter is embedded In the second phase a series of social rights which are related to the employment relation are examined in particular in light of the jurisprudence of the European Committee of Social Rights ECSR to demonstrate the crucial but difficult role of the Charter's supervisory bodies to secure the respect and promotion of social rights and national level bearing in mind the reciprocal influence of other international social rights instruments This examination is timely given the pressure exerted on those rights during the recent period of economic crisis Furthermore in the light of the predominantly economic vision of Europe such analysis is crucial The collection is aimed at stimulating academic scrutiny and raising awareness amongst practitioners and trade unions about this important and equally necessary anchor of the social dimension of Europe in legal and political practice

Commercial Uses of Space and Space Tourism Jan Wouters, Philip De Man, Rik Hansen, 2017-12-29 Commercial Uses of Space and Space Tourism combines the perspectives of academics policy makers and major industry players around three central themes connected to commercial spacefaring the international legal challenges posed by the dramatic changes to the spacefaring landscape through privatisation and commercialisation the corresponding legal and regulatory responses to these challenges at the national level and related topical questions of global space governance

Global Politics Roni Kay M. O'Dell, Sasha Breger Bush, 2020-12-30 Global Politics A Toolkit for Learners is an innovative and exciting new learner centered approach to the study of international relations Leveraging decades of in class teaching and learning experiences authors Roni Kay M O Dell and Sasha Breger Bush have developed evidence based teaching and learning practices which support a scaffolded skills oriented approach

Each chapter introduces historical documents from key political events important concepts and the techniques learners need to independently and actively engage with primary sources Readers are encouraged to develop a personal connection with global issues to consider matters of justice freedom and equality and to think critically about possibilities for social transformation in the global arena

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