

Sixth Edition

INTERNATIONAL LAW



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Malcolm Shaw International Law 6th Edition

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Legal Personality in International Law Roland Portmann, 2010-08-26 Several international legal issues are related to the concept of legal personality including the determination of international rights and duties of non state actors and the legal capacities of transnational institutions When addressing these issues different understandings of legal personality are employed These concepts consider different entities to be international persons state different criteria for becoming one and attach different consequences to being one In this book Roland Portmann systematizes the different positions on international personality by spelling out the assumptions on which they rest and examining how they were substantiated in legal practice He puts forward the argument that positions on international personality which strongly emphasize the role of states or effective actors rely on assumptions that have been discarded in present international law The principal argument is that international law has to be conceived as an open system wherein there is no presumption for or against certain entities enjoying international personality

International Law Dejo Olowu, 2010-02 International Law A Textbook for the South Pacific is an introductory textbook for students and practitioners of international law It provides a concise and clear introduction to the subject from the perspective of the South Pacific This textbook takes advantage of Professor Olowu s unique experience as a lawyer trained at universities in Africa North America and Europe and having taught international law in the South Pacific Few academics can claim his breadth and depth of expertise concerning in international law in diverse geographical and cultural contexts This textbook introduces the most important aspects of public international law in a clear and authoritative manner

An Evolutionary Paradigm for International Law J. Gillroy, 2013-12-05 The book transcends conventional social scientific method political theory and its understanding of global governance to make the study of the philosophical essence of the international legal system fully accessible

European Competition Law Annual 2011 Philip Lowe, Mel Marquis, 2014-11-01 This volume contains papers presented at the 16th Annual EU Competition Law and Policy Workshop held at the European University Institute on 17 18 June 2011 This edition of the Workshop examined the emerging and increasingly important use of private rights of action before national courts and the prospects for legislation and soft law initiatives at the level of the EU The book has been updated and reflects the European Commission s private enforcement package of June 2013 Furthermore the experiences of various national jurisdictions are discussed both within Europe and in the US and Canada As a whole the volume explores how public and private enforcement might function harmoniously as an integrated system to promote the public interest while ensuring that individual rights created in this field by the EU competition rules are vindicated The contributors have however devoted significant analysis to the tensions between those two modes of enforcement Authors contributing to this book include Enno Ahlenstiel Donald Baker Jochen Burrichter Horst Butz Scott Campbell Brian Facey Tristan Feunteun Ian Forrester Andrew Foster Andrew Gavil Barry Hawk James Keyte Assimakis Komninos Bruno Lasserre Fr d ric Louis Mel Marquis Veljko Milutinovic Luis Silva Morais Tom

Ottervanger Silvia Pietrini Mark Powell John Ratliff J Thomas Rosch David Rosner Mario Siragusa James Venit

Shareholders' Claims for Reflective Loss in International Investment Law Lukas Vanhonnaeker, 2020-07-16 In recent years investor state tribunals have often permitted shareholders claims for reflective loss despite the well established principle of no reflective loss applied consistently in domestic regimes and in other fields of international law Investment tribunals have justified their decisions by relying on definitions of investment in investment agreements that often include shares while the no reflective loss principle is generally justified on the basis of policy considerations pertaining to the preservation of the efficiency of the adjudicatory process and to the protection of other stakeholders such as creditors Although these policy considerations militating for the prohibition of shareholders claims for reflective loss also apply in investor state arbitration they are curable in that context and must be balanced with policy considerations specific to the field of international investment law that weigh in favor of such claims the protection of foreign investors in order to promote trade and investment liberalization

Law in the Time of Oxymora Rostam J. Neuwirth, 2018-05-16 What do different concepts like true lie bad luck honest thief old news spacetime glocalization symplexity sustainable development constant change soft law substantive due process pure law bureaucratic efficiency and global justice have in common What connections do they share with innumerable paradoxes like the ones of happiness time globalization sex and of free will and fate Law in the Time of Oxymora provides answers to these conundrums by critically comparing the apparent rise in recent years of the use of rhetorical figures called essentially oxymoronic concepts i e oxymoron enantiosis and paradoxes in the areas of art science and law Albeit to varying degrees these concepts share the quality of giving expression to apparent contradictions Through this quality they also challenge the scientific paradigm rooted in the dualistic thinking and binary logic that is traditionally used in the West as opposed to the East where a paradoxical mode of thinking and fuzzy logic is said to have been cultivated Following a review of oxymora and paradoxes in art and various scientific writings hundreds of hard cases featuring oxymora and a comprehensive review of the legal literature are discussed revealing evidence suggesting that the present scientific paradigm of dualism alone will no longer be able to tackle the challenges arising from increasing diversity and complexity coupled with an apparent acceleration of change Law in the Time of Oxymora reaches the surprising conclusion that essentially oxymoronic concepts may inaugurate a new era of cognition involving the ways the senses interact and how we reason think and make decisions in law and in life

LexIslamica Series - Book 1 - Islamic Law for the New Millennium Imran Ahsan Khan Nyazee, M. Ibrahim Abdullah Khan Nyazee, 2019-09-19 The present book is a small introduction to the larger work to be published in small volumes but as part of a series The book visualizes modern Islamic law as the common law of all Muslims a law that exists at the global level and is concerned with issues that may be found within individual states For the details this book is to be read It has intentionally been kept very concise and brief Rapid changes in the world in the last few decades have now created an opportunity for Islamic law to rise again This rise of

Islamic law for the new millennium will not be through the coercive power of a modern state or even through physical domination. It will come about through the rise of the Muslim Ummah meeting, participating and collaborating through cyberspace for the benefit and service of all humanity. This small book outlines and explains this dynamic framework that heralds the revival and development of this law with the help of a new methodology that has been left as a heritage by the ancestors.

Annuaire Canadien de Droit International John H. Currie, Ren Provost, 2014-03-01 This is the fiftieth volume of The Canadian Yearbook of International Law. The contents of this special anniversary edition reflect the diversity of Canadian and international thought, opinion and practice on current problems of international law. Included are a retrospective examination of Canadian approaches and contributions to international law during the Yearbook's first fifty years, as well as cutting edge analyses and commentary on a wide range of issues such as the use of battlefield biometrics, the cultural dimensions of sustainable development, Omar Khadr's combatancy and child soldier status, and immunities for gross violations of international human rights.

Revolution, State Succession, International Treaties and the Diaoyu/Diaoyutai Islands Tseng Hui-Yi, 2017-05-11 Dynamism in Sino-Japanese relations, of which the Diaoyu/Diaoyutai Islands dispute constitutes a major part, has greatly overshadowed not only prospects of positive collaboration between China and Japan but also regional order in East Asia. On the surface, the essence of the dispute focused on sovereignty, which entails competition for maritime resources, development and strategic access to the adjacent waters as a critical transportation and military route. What lies at the crux, however, is the conflict between different sets of values which lead and shape their interpretations of international treaties, changes of governments and impacts of this upon these Asian states' attitudes toward how sovereignty and territory should be understood in contemporary Asia. The Diaoyu/Diaoyutai Islands dispute has lapsed into dormancy since intense discussions in the period from 2010 to 2012. However, the disagreement is far from being resolved. This book draws on structural issues underlying the on-going dispute along with the concomitant multifaceted challenges that need to be investigated. At a juncture when the prospect of the Sino-Japanese relations remains gloomy, this book provides conceptual and practical insights invaluable to the field of law, history and politics, shedding light on the refinement of relevant international law and rules of engagement in a normative sense.

The International Response to Somali Piracy Bibi van Ginkel, Frans-Paul van der Putten, 2010-09-24 The recent surge in piracy attacks off the coast of Somalia has triggered an international response which is unprecedented in terms of the number of actors involved. The International Response to Somali Piracy presents a comprehensive treatment of the international response to Somali piracy, exploring current initiatives to counter the piracy threat both operationally and legally. Moreover, the book analyzes the regional and broader international context within which these initiatives are taken and identifies the challenges and opportunities for international cooperation on fighting piracy at sea. This volume brings together experts from a great variety of different backgrounds and disciplines.

International Criminal Justice Gideon Boas, Pascale Chifflet, 2017-04-28 This book explores

crucial themes in international criminal justice It starts by answering the searching question what is international criminal justice The book then considers the role and impact of politics history psychology terrorism transitioning society and even the idea of hope and the relationship of these themes with how we understand international criminal justice While addressing some crucial legal questions International Criminal Justice goes further drawing on a range of multi disciplinary thinking

The Iran-UAE Gulf Islands Dispute Charles L.O. Buder, Luciana T. Ricart, 2018-05-15 In *The Iran UAE Gulf Islands Dispute* Charles Buder and Luciana Ricart take the reader on a journey through centuries of Gulf history and evolving principles of international law on territorial disputes to reach conclusions over the rightful sovereign of three Gulf islands Abu Musa and the Tunbs claimed by both Iran and the United Arab Emirates Drawing on a wide range of scholarly works and archival documents from sources as diverse as the Dutch East India Company the Ottoman Empire and the British Government Buder and Ricart analyze historical events from antiquity up to modern times Ultimately the authors reach conclusions on the ownership of the islands under international law which challenge the positions of both parties

The Cambridge Handbook of China and International Law Ignacio de la Rasilla, Congyan Cai, 2024-01-18 This handbook provides a comprehensive road map to China's engagement with international law and an upgraded bridge between Chinese and Western approaches in times of turmoil Written by a leading group of Chinese and Western specialists it examines how China is assimilating into and putting its stamp on the global legal order It offers updated analyses of China's relationship with international institutions human rights law international trade law the law of the sea the laws of peace and war international criminal law global health law international investment law international environmental law climate change international terrorism law outer space law intellectual property law cyber space warfare international financial law international dispute settlement territorial disputes the Belt and Road Initiative the Community of Shared Future for Mankind China's constitutional law the judicial application of international law state immunity the international rule of law China's treaty practices and the extraterritorial application of Chinese laws

National Space Law in China Yun Zhao, 2015-02-04 China has made rapid developments in space technologies and space activities in the last few years however it still lags behind in the legal arena In order to provide guidelines for and promote further development of space activities China should speed up its national space legislation process In *National Space Law in China* Yun Zhao offers a comprehensive study of national space laws regulations and policies in China It contains rich information and materials of China's space law and practice As the first English monograph on national legislation on space law in China this book shall contribute to the understanding of China's current legal regime for space activities and future national space legislation

Rewriting Histories of the Use of Force Agatha Verdebout, 2021-09-23 It is commonly taught that the prohibition of the use of force is an achievement of the twentieth century and that beforehand States were free to resort to the arms as they pleased International law the story goes was indifferent to the use of force Reality as it stems from historical sources however appears much more complex Using

tools of history sociology anthropology and social psychology this monograph offers new insights into the history of the prohibition of the use of force in international law Conducting in depth analysis of nineteenth century doctrine and State practice it paves the way for an alternative narrative on the prohibition of force and seeks to understand the origins of international law s traditional account In so doing it also provides a more general reflection on how the discipline writes rewrites and chooses to remember its own history

Human Rights and Power in Times of Globalisation Ekaterina Yahyaoui Krivenko,2017-12-18 How does globalisation affect the ability of human rights to constrain power This is the central question of this volume that tackles the issue from a variety of perspectives It covers such branches of international law and human rights as diplomatic protection powers of the UN Security Council responsibility of international organisations accountability of multinational corporations third generation rights law of armed conflict and state sovereignty The contributions problematize the role of human rights and call for rethinking of the structure and functioning of human rights The contributions adopt a variety of disciplinary perspectives that all elucidate difficulties human rights face in a globalised world and suggest ways forward

Law, War and the Penumbra of Uncertainty Sam Selvadurai,2022-04-07 An exploration into how uncertainty and political and ethical biases affect international law governing the use of force

Custom's Future Curtis A. Bradley,2016-02-15 Although customary international law has long been an important source of rights and obligations in international relations there has been extensive debate in recent years about whether this body of law is equipped to address complex modern problems such as climate change international terrorism and global financial instability In addition there is growing uncertainty about how precisely international and domestic courts should identify rules of customary international law Custom s Future seeks to address this uncertainty by providing a better understanding of how customary international law has developed over time the way in which it is applied in practice and the challenges that it faces going forward Reflecting an interdisciplinary mix of historical empirical economic philosophical and doctrinal analysis and containing chapters by leading international law experts it will be of use to lawyers judges and researchers alike

Desaparición forzada de personas y equivalencia funcional: Una propuesta de recepción del derecho penal internacional Francisco Javier Dondé Matute,2023 El presente estudio busca resolver un problema en la aplicación del derecho internacional la implementación de tipos penales en la ley penal nacional a partir de las obligaciones internacionales El dilema jurídico consiste en conciliar las obligaciones que tienen los Estados derivadas de los tratados de represión penal con las exigencias del derecho penal democrático previsto en las constituciones y en los derechos humanos A este ejercicio de equilibrio se le denomina técnica de la equivalencia funcional Se toma como modelo de aplicación la desaparición forzada de personas por la complejidad del crimen internacional Su regulación internacional está prevista en diversos tratados las conductas son diversas pero entrelazadas y los elementos son diferentes Así es un buen caso de estudio para la aplicación de esta técnica Además el estudio se realiza con base en la legislación mexicana que sirve también como modelo de análisis dentro

de un marco legal ya existente **The Transformation of Intergovernmental Satellite Organisations** Patricia McCormick, Maury J. Mechanick, 2013-10-10 The Transformation of Intergovernmental Satellite Organisations Policy and Legal Perspectives offers a multifaceted analysis of the complex policy and legal issues associated with the privatisation or restructuring of the world's preeminent intergovernmental satellite organisations INTELSAT INMARSAT and EUTELSAT Maury Mechanick Christian Roisse and David Sagar each of whom were directly involved in these undertakings provide a unique perspective on the critical issues involved while Frans von der Dunk and Patricia McCormick offer a broader contextual assessment of their significance The contributors insights regarding the restructuring of these satellite organisations and the intergovernmental organisations which oversee public services represent valuable reflections on those developments as well as on changes occurring following privatisation regarding those entities ownership profiles and service provisions

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