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Lordre Juridique International Entre Tradition Et Innovation

**Walter Kälin, Robert Kolb, Christoph
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Lordre Juridique International Entre Tradition Et Innovation:

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 Research Handbook on Human Rights and Humanitarian Law Robert Kolb, Gloria Gaggioli, 2013-01-01 This volume by Robert Kolb and Gloria Gaggioli contributed by some of the most renowned experts in the field devotes an impressive amount of legal analysis to the most diverse aspects of the interplay between international humanitarian law and international human rights law in situations of violence in theory and practice It is bound to become an indispensable tool for scholars and practitioners alike Marco Pedrazzi University of Milan Italy This fascinating Handbook explores the interplay between international human rights law and international humanitarian law offering expert analysis on the increasingly complex issues surrounding their application in conflict areas across the world Contributors to this volume provide a comprehensive treatment of the ongoing relationship between human rights law and humanitarian law from the historical background and origins of the two bodies of law to their various applications today Divided into four parts Historical Background Common Issues The Need for a Combined Approach and Monitoring Mechanisms the Handbook presents a rich and varied spectrum of original research and thought from some of the brightest minds in the field This groundbreaking volume will surely have great appeal for anyone with a professional or academic interest in human rights law and humanitarian law from students to professors to practitioners in the field **The Sources of International Law** Hugh Thirlway, 2014-02 Because of its unique nature the sources of international law are not always easy to identify and interpret This book provides an ideal introduction to these sources for anyone needing to better understand where international law comes from As well as looking at treaties and custom the book will look at more modern and controversial sources **International Law, Conflict and Development** Walter Kälin, Robert Kolb, Christoph Spenlé, Maurice Voyame, 2010-01-11 Experience and research have long shown an intrinsic link between human rights conflict and development This interdependence between different areas doctrines and

disciplines calls for a genuinely coherent holistic approach in International Affairs With the challenges the work for the protection and respect of humanity encounters this book intends to bring together articles and ideas that indicate the complexity of such an endeavor The chapters written by academics and practitioners encompass snapshots of crucial development lines as well as conceptual ideas and frameworks In doing so the book provides insight to the principal understanding that peace efforts encapsulating human rights conflict management and development can only be sustained and flourish as long as conflicting parties have at least a minimal consensus and will to settle their differences peacefully As a Liber Amicorum for Joseph Voyame the book honors the determination for humanity and respect for human dignity and peaceful mitigation of conflict which marked his life and work

Advancing the Method and Practice of Transnational Law Julien Chaisse, Oana Stefan, 2023-09-21 This book adopts a transnational methodology to reflect on the legalisation of international economic relations A Liber Amicorum for Professor Francis Snyder it outlines the ways in which legal scholarship has taken his legacy further in relation to the concept of transnational law the law in context method and the evolution of sustainability law The lens is both theoretical and practical delving into international investment law financial monetary law free trade agreements indigenous rights and food law and covering case studies from EU law WTO law American law Chinese law and Indonesian law The chapters explore how Snyder's ideas have advanced legal research and determined change in regulation impacting trade relationships worldwide Part I of the book gives an overview of the actors the norms and the processes of transnational economic law discussing sites of governance legal pluralism and soft law Part II takes stock of the law in context research method looking not only at the way in which it can be refined and used by academics but also at the practical implications of such a method to improve regulatory settings and promote social and policy goals including the emerging generation of FTAs such as TPP TTIP and RCEP Part III focuses on sustainability law assessing Francis Snyder's contribution to systemic changes and reforms in China and the Asia Pacific region The book is a must have for any academic or practitioner interested in an up to date account of the recent developments in transnational trade law research

Contemporary Methods in International Legal Research Juan J Garcia Blesa, 2024-12-01 This book is a concise practical guide to some of the most relevant ways of thinking and doing international legal research today It is designed to help students and early career researchers to get acquainted with the theory and practice of a selection of non doctrinal modes of legal research that include feminist international law critical international law and TWAIL complemented with qualitative methods of empirical legal research The book also encourages a meaningful dialogue with traditional doctrinal styles of legal research The book's most innovative aspect is its practical learner centred approach which focuses on the applied learning of the modes of research presented

The International Law Commission's Articles on State Responsibility United Nations. International Law Commission, James Crawford, 2002 In 2001 the International Law Commission completed its work on State responsibility begun 40 years previously The Articles on Responsibility of States for

Internationally Wrongful Acts marks a major step in the codification and progressive development of international law comparable in significance to the Vienna Convention on the Law of Treaties. The Articles cover such topics as attributing conduct to the State, defining when there has been a breach of international law and the excuses or justifications for breaches, reparation for injustices, the invocation of responsibility, especially standing of States in the public interest and the rules relating to countermeasures. The Articles develop basic concepts of international law in particular peremptory norms and obligations to the international community as a whole. They signal definitively how international law has moved away from a purely bilateral conception of responsibility to accommodate categories of general public interest, human rights, the environment etc.

Research Methods in International Law Deplano, Rossana, Tsagourias, Nicholas, 2021-07-31. This timely Handbook contains a wide ranging overview of the diverse research methods used within international law. Providing an insightful examination of how international legal knowledge is analysed and adopted, this Handbook offers the reader a deeper understanding on the role and place of research methods in international legal theory, reasoning and practice.

The Individual in International Law Anne Peters, Tom Sparks, 2024. The Individual in International Law collects the work of esteemed scholars to examine the effects of humanisation on international law and how individual status, rights and obligations have changed the international legal system throughout history and into the present day.

Justification and Excuse in International Law Federica Paddeu, 2018-01-11. The first comprehensive study of the distinction between justification and excuse under the international law of state responsibility.

Beyond Human Rights Anne Peters, 2016-10-27. A paradigm change is occurring in the course of which human beings are becoming the primary international legal persons. In numerous areas of public international law, substantive rights and obligations of individuals arguably flow directly from international law. The novel legal status of humans in international law is now captured with a concept borrowed from constitutional doctrine: international rights of the person as opposed to international law protecting persons. Combining doctrinal analysis with current practice, this book is the most comprehensive contemporary analysis of the legal status of the individual. Beyond Human Rights, previously published in German and now revised by the author in this English edition, not only deals with the individual in international humanitarian law, international criminal law and international investment law, but it also covers fields such as consular law, environmental law, protection of individuals against acts of violence and natural disasters, refugee law and labour law.

General Principles for Business and Human Rights in International Law Ludovica Chiussi Curzi, 2020-10-26. In General Principles for Business and Human Rights in International Law, Ludovica Chiussi Curzi offers an overview of the relevance of general principles of law in the multifaceted discourse on business and human rights. What are the implications of the state duty to protect human rights in good faith and to guarantee victims of corporate human rights violations access to justice? Can general principles of law such as abuse of rights, due diligence and estoppel provide a source of obligations for companies that is relevant to human rights protection?

Has an autonomous principle on corporate liability developed in international law These are the questions at the core of this monograph which seeks the answers in the normative foundations of public international law

Complicity and its Limits in the Law of International Responsibility Vladyslav Lanovoy, 2016-09-22 This book examines the responsibility of States and international organizations for complicity aid or assistance in an internationally wrongful act Despite the recognition of responsibility for complicity as a rule of customary international law by the International Court of Justice this book argues that the effectiveness and utility of this form of responsibility is fraught with systemic and operational limits These limits include a lack of clarity in its constituent elements its co existence with primary rules prohibiting complicity and the obligations of due diligence its implementation and the underlying causal tests its uncertain relationship to other forms of shared and indirect responsibility and its potential as a form of attribution of conduct This book submits that the content and elements of this form of responsibility need adjustments to respond more effectively to the phenomenon of complicity in international affairs Awarded The Paul Guggenheim Prize in International Law 2017

The Law of International Responsibility James Crawford, Alain Pellet, Simon Olleson, Dr Kate Parlett, 2010-05-20 The law of international responsibility is one of international law s core foundational topics Written by international experts this book provides an overview of the modern law of international responsibility both as it applies to states and to international organizations with a focus on the ILC s work

The Legal Framework of the OSCE Mateja Steinbrück Platise, Carolyn Moser, Anne Peters, 2019-05-30 The Organization for Security and Cooperation in Europe OSCE the world s largest regional security organisation possesses most of the attributes traditionally ascribed to an international organisation but lacks a constitutive treaty and an established international legal personality Moreover OSCE decisions are considered mere political commitments and thus not legally binding As such it seems to correspond to the general zeitgeist in which new less formal actors and forms of international cooperation gain prominence while traditional actors and instruments of international law are in stagnation However an increasing number of voices including the OSCE participating states have been advocating for more formal and autonomous OSCE institutional structures for international legal personality or even for the adoption of a constitutive treaty The book analyses why and how these demands have emerged critically analyses the reform proposals and provides new arguments for revisiting the OSCE legal framework

Cyber Operations and International Law François Delerue, 2020-03-19 This book offers a comprehensive overview of the international law applicable to cyber operations It is grounded in international law but is also of interest for non legal researchers notably in political science and computer science Outside academia it will appeal to legal advisors policymakers and military organisations

Looking to the Future Mahnoush H. Arsanjani, Jacob Cogan, 2010-10-25 Throughout his career Michael Reisman emphasized law s function in shaping the future In this wide ranging collection of essays major thinkers in the international legal field address the goals of the twenty first century and how international law can address the needs of the world community

L'ordre juridique international entre tradition

et innovation Christian Dominicé, 1997 Ce Recueil réunit un choix d'études de Christian Dominicé publiées dans divers ouvrages Consacrées au droit international public elles sont regroupées en quatre parties qui témoignent des principales orientations de sa pensée La première partie sous le titre Théorie générale du droit des gens montre l'intérêt porté par l'auteur à l'analyse de l'ordre juridique international en sa qualité de système cohérent ainsi qu'à sa dimension théorique Les textes figurant dans la deuxième partie concernent l'Organisation internationale Ils sont principalement inspirés par l'activité d'emploi par le Conseil de sécurité des Nations Unies depuis la fin de la guerre froide Au fil des analyses l'auteur souligne sans cesse l'obligation pour le Conseil de sécurité de respecter le droit précisément parce que son rôle est important La Responsabilité internationale thème de la troisième partie est une matière qui a constamment été au centre des intérêts scientifiques de l'auteur et dans laquelle il a apporté des éléments nouveaux la réflexion Enfin l'ouvrage devait aussi montrer l'attention accordée par Christian Dominicé aux questions intéressant les relations extérieures de son pays C'est l'objet de la quatrième partie sous le titre La Suisse et le droit international

La Position du droit international dans l'ordre juridique congolais et l'application de ses normes Joseph Kazadi Mpiana, 2013-04-04 La République démocratique du Congo est unanimement présentée comme un État de tradition moniste avec primauté du droit international Cependant aux termes d'une analyse critique tant du point de vue de la théorie que de la pratique l'auteur offre une nouvelle approche qui accorde mieux la théorie dualiste La primauté du droit international en droit congolais n'est nullement constitutive d'un rapport hiérarchique mais se traduit par une préférence pas absolue de la norme internationale au détriment de la norme interne Cette approche dualiste s'étend également au droit des organisations internationales Au moment où le juge congolais s'internationalise notamment par le biais de l'application du statut de Rome de la Cour pénale internationale et au regard de l'entrée en vigueur en droit congolais du droit découlant de l'OHADA une étude approfondie sur les rapports entre le droit international et le droit congolais s'avère indispensable En plus de la réécriture de sa lecture réaliste des normes constitutionnelles de la RDC en matière de traités et d'actes normatifs des organisations internationales l'ouvrage de Joseph Kazadi Mpiana s'avère un apport de poids pour la jurisprudence congolaise dans l'application du droit international

Theory of International Law Robert Kolb, 2016-10-20 This book seeks to analyse various aspects of international law the link being how they structure and marshal the different forces in the international legal order It takes the following approaches to the matter First an attempt is made to determine the fundamental characteristics of international law the forces that delineate and permeate its applications Secondly the multiple relations between law and policy are analysed Politics are a highly relevant factor in the implementation of every legal order and also a threat to it this is all the more true in international law where the two forces law and politics have significant links Thirdly the discussion focuses on a series of fundamental socio-legal notions the common good justice legal security reciprocity plus equality and proportionality liberty ethics and social morality and reason

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