



Chinese Contemporary Perspectives on International Law

History, Culture and International Law

XUE HANQIN

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Studies In International Law And History An Asian Perspective

**Annabel Brett, Megan
Donaldson, Martti Koskenniemi**



Studies In International Law And History An Asian Perspective:

Studies in International Law and History R.P. Anand, 2021-10-25 Although modern international law is now recognized as universally applicable to all the states as soon as they emerge as independent entities whether members of the United Nations or not they are accepted as members of the ever expanding international society and are bound by its rules and seek its protection this is only a recent phenomenon not older than the United Nations itself Before the Second World War modern international law was supposed to be merely a law of and for the civilized Western European Christian states or states of European origin and applicable only between them Not only Asian and African states which had come to be colonized but also the position of independent states such as Persia Siam China Abyssinia and the like was said to be anomalous Since they belonged to different civilizations questions were raised as to how far relations with their governments could be based on the rules of international law If that is the case when did European international law become universally binding Can states which did not and could not participate in its origin and development question some of its rules which are inimical to their interests How can and does this law change or be modified in the absence of any supra national legislature or other authority What has been the attitude and practice of these newly independent Asian and African states towards international law which was largely developed by and for the benefit of the rich and industrialized states of Western Europe and the United States and even more importantly their role in its development The author an Asian scholar and well known Professor of International Law trained and educated in the West has sought to deal with these and other questions in the nine papers contained in this book **The Oxford Handbook of International Law in Asia and the Pacific** Simon

Chesterman, Hisashi Owada, Ben Saul, 2019-09-12 The growing economic and political significance of Asia has exposed a tension in the modern international order Despite expanding power and influence Asian states have played a minimal role in creating the norms and institutions of international law today they are the least likely to be parties to international agreements or to be represented in international organizations That is changing There is widespread scholarly and practitioner interest in international law at present in the Asia Pacific region as well as developments in the practice of states The change has been driven by threats as well as opportunities Transnational issues such as climate change and occasional flashpoints like the territorial disputes of the South China and the East China Seas pose challenges while economic integration and the proliferation of specialized branches of law and dispute settlement mechanisms have also encouraged greater domestic implementation of international norms across Asia These evolutions join the long standing interest in parts of Asia notably South Asia in post colonial theory and the history of international law The Oxford Handbook of International Law in Asia and the Pacific brings together pre eminent and emerging specialists to analyse the approach to and influence of key states of the region as well as whether truly Asian trends can be identified and what this might mean for international order Challenges of International Law in the Asian Region Vitit Muntarbhorn, 2021-06-14 This book provides an

innovative outlook of the various challenges of international law in the Asian region Moving away from the Eurocentrism prevalent in the literature on the subject it provides a comprehensive Asian perspective without adopting a monolithic or homogeneous Asian approach Although Asian countries converge on certain issues related to international law such as engagement with the United Nations at times there is a significant divergence such as in the case of agricultural trade liberalisation Given the vastness of the region and the differing political systems there are many discrepancies to consider The book takes into account the viewpoint of civil society so as to avoid a vertical state centred approach Offering an easy to understand presentation of key issues concerning the region this book is a useful introduction to this complex topic for students academics and practitioners of international law *Law Among Nations* Gerhard von Glahn,James Larry Taulbee,2015-07-14 Offering a more accessible alternative to casebooks and historical commentaries *Law Among Nations* explains issues of international law by tracing the field s development and stressing key principles and processes This comprehensive text eliminates the need for multiple books by combining discussions of theory and state practice with excerpts from landmark cases Renowned for its rigorous approach and clear explanations *Law Among Nations* remains the gold standard for undergraduate introductions to international law Learning Goals Trace the development of International Law through key principles and processes Illustrate important issues and theories using excerpts from landmark cases

The Aims and Methods of Postcolonial International Law Chin Leng Lim,2024-10-28 Criticism of colonial justifications has been familiar since the age of Sep lveda and Las Casas Yet today it is said that international law is and always was an instrument of colonialism It is true that the ius gentium and the Law of Nations failed to prevent colonialism and were used in fact to justify colonialism Still such failures which occurred over the successive periods of European colonization of non European peoples did not implicate the whole of international law thought That is just a modern exaggeration but rather than repair the international law that we have for example in our discussions about colonial reparation some now wish us to reject international law altogether In seeking to cast present day criticisms in a proper light these lectures at the Hague Academy had discussed the more notable literature including in judgments and arbitral awards from the time of the classic works that are connected to the history of the subject to the present day Now presented in pocketbook form the objective is the same which is to explain the aims and methods of post colonial criticism and to reject the view that it is too late for international law **Strategically Created Treaty Conflicts and the Politics of International Law** Surabhi Ranganathan,2014-12-18

A richly textured account of the making implementing and changing of international legal regimes which encompasses law politics and economics **International Law in Pursuit of Global Justice** Shashikala Gurpur,Aakarsh Banyal,2025-06-24 This book discusses the core concepts of international law with a focus on India s position concerning contemporary developments in the field The project of international law both in its origin and evolution has been predominantly anchored in Global North realities Over the years however narratives from other parts of the world the Global South have emerged to

confront the traditional construction of the international legal order The Indian narrative s in this regard given the state s expanding influence within the Global South and beyond therefore warrants consideration This book responds in three ways captures India s contributions to the development of international law in areas including human rights humanitarian law international trade and investment global commons health and dispute settlement evaluates the influence of international law on India and its positioning in the global world order and presents a way forward by mapping India s pursuit of global justice The book will be of interest to scholars and students working in the fields of International Law South Asian Studies International Relations Human Rights and related research areas

Law Among Nations James Larry Taulbee, Gerhard von Glahn, 2022-05-30 Offering a more accessible alternative to casebooks and historical commentaries Law Among Nations explains issues of international law by tracing the field s development and stressing key principles processes and landmark cases This comprehensive text eliminates the need for multiple books by combining discussions of theory and state practice with excerpts from landmark cases The book has been updated in light of the continuing revolution in communication technology the dense web of linkages between countries that involve individuals and bodies both formal and informal and important and controversial areas such as human rights the environment and issues associated with the use of force Renowned for its rigorous approach and clear explanations Law Among Nations remains the gold standard for undergraduate introductions to international law New to the Twelfth Edition Added or expanded coverage of timely issues in international law Drones and their use in the air and in space Outer space Cybercrime and responses The Julian Assange Case Environmental law Expanded discussion of space law Expanded discussion of conflict and non state actors Final cases in the ICTY Thoroughly rewritten chapters on areas of great change International Criminal Law Just War and War Crime Law International Economic Law newly restored in response to reviews International Environmental Law New cases statutes and treaties on many subjects

History, Politics, Law Annabel Brett, Megan Donaldson, Martti Koskenniemi, 2021-10-07 Historians of political thought and international lawyers have both expanded their interest in the formation of the present global order History Politics Law is the first express encounter between the two disciplines juxtaposing their perspectives on questions of method and substance The essays throw light on their approaches to the role of politics and the political in the history of the world beyond the single polity They discuss the contrast between practice and theory as well as the role of conceptual and contextual analyses in both fields Specific themes raised for both disciplines include statehood empires and the role of international institutions as well as the roles of economics innovation and gender The result is a vibrant cross section of contrasts and parallels between the methods and practices of the two disciplines demonstrating the many ways in which both can learn from each other

International Law and History Ignacio de la Rasilla, 2021-01-21 This interdisciplinary exploration of the modern historiography of international law invites a diverse assessment of the indissoluble unity of the old and the new in the most global of all legal disciplines The study of the history of international law

does not only serve a better understanding of how international law has evolved to become what it is and what it is not Its histories which rethink the past in the present also influence our perception of contemporary matters in international law and our understandings of how they may potentially unfold This multi perspectival enquiry into the dominant modes of international legal history and its fundamental debates may also help students of both international law and history to identify the historical approaches that best suit their international legal historical perspectives and best address their historical and legal research questions *Non-Governmental Organisations and International Law* Prahlad Rai,2024-08-27

This book explores how non governmental organizations NGOs with their sphere of influence within the State and beyond enrich the international community by working on critical areas affecting people s lives and expectations to facilitate a more humanising international law It provides ideas highlights issues and identifies actors actions and the scope of NGOs in international law It charts possibilities and limitations of NGOs within the legal framework of a State and its evolution over the years The book highlights how NGOs having obtained consultative status from the UN Economic and Social Council have now extended their access and area of influence to international actors like inter governmental organisations international courts and tribunals It provides an overview of NGO s performance and the important role they play in the making of human rights protection of environment and business ethics The book is primarily doctrinal containing case studies of important NGOs The purview is an inquiry analysis and overview of literature of NGOs in international law from a wide range of sources The book will help shape the debate over power and functions of NGOs in the background of new loci of NGOs work It is useful for students research scholars the NGO community corporations CSR departments and concerned governmental agencies Additionally being interdisciplinary in nature it caters to the demands of politics sociology management public policy and social work apart from law **The Oxford Handbook of the History of International Law** Bardo

Fassbender,Anne Peters,Simone Peter,Daniel Högger,2012-11-01 The Oxford Handbook of the History of International Law provides an authoritative and original overview of the origins concepts and core issues of international law The first comprehensive Handbook on the history of international law it is a truly unique contribution to the literature of international law and relations Pursuing both a global and an interdisciplinary approach the Handbook brings together some sixty eminent scholars of international law legal history and global history from all parts of the world Covering international legal developments from the 15th century until the end of World War II the Handbook consists of over sixty individual chapters which are arranged in six parts The book opens with an analysis of the principal actors in the history of international law namely states peoples and nations international organisations and courts and civil society actors Part Two is devoted to a number of key themes of the history of international law such as peace and war the sovereignty of states hegemony religion and the protection of the individual person Part Three addresses the history of international law in the different regions of the world Africa and Arabia Asia the Americas and the Caribbean Europe as well as encounters between non European legal

cultures like those of China Japan and India and Europe which had a lasting impact on the body of international law Part Four examines certain forms of interaction or imposition in international law such as diplomacy as an example of interaction or colonization and domination as an example of imposition of law The classical juxtaposition of the civilized and the uncivilized is also critically studied Part Five is concerned with problems of the method and theory of history writing in international law for instance the periodisation of international law or Eurocentrism in the traditional historiography of international law The Handbook concludes with a Part Six entitled People in Portrait which explores the life and work of twenty prominent scholars and thinkers of international law ranging from Muhammad al Shaybani to Sir Hersch Lauterpacht The Handbook will be an invaluable resource for students and scholars of international law It provides historians with new perspectives on international law and increases the historical and cultural awareness of scholars of international law It is the standard reference work for the global history of international law

Bandung, Global History, and International Law

Luis Eslava, Michael Fakhri, Vasuki Nesiah, 2017-11-30 In 1955 a conference was held in Bandung Indonesia that was attended by representatives from twenty nine developing nations Against the backdrop of crumbling European colonies Asian and African leaders forged a new alliance and established anti imperial principles for a new world order The conference captured the popular imagination across the Global South Bandung s larger significance as counterpoint to the dominant world order was both an act of collective imagination and a practical political project for decolonization that inspired a range of social movements diplomatic efforts institutional experiments and heterodox visions of the history and future of the world This book explores what the spirit of Bandung has meant to people across the world over the past decades and what it means today Experts from a wide range of fields show how despite the complicated legacy of the conference international law was never the same after Bandung

Chinese Contemporary Perspectives on International Law

Xue Hanqin, 2012-08-21 Built on the theme history culture and international law this special course gives a comprehensive review of China s contemporary perspective and practice of international law in the past 60 years with its focus on the recent 30 years when China is gradually integrated into international legal system through its opening up and economic reform process After an in depth revisit of China s position on sovereignty and non interference from a historical and cultural perspective the author further explores a few areas of importance where China s viewpoints often invite general interest human rights sustainable development and multilateralism and regional cooperation

The Palgrave Handbook of New Directions in Kashmir Studies

Haley Duschinski, Mona Bhan, Cabeiri deBergh Robinson, 2023-06-01 The Palgrave Handbook of New Directions in Kashmir Studies provides a comprehensive interdisciplinary and transregional perspective on the Kashmir dispute Spanning South and Central Asia Kashmir has been at the center of geopolitical conflicts and rivalries among India Pakistan and China for decades with members of heterogeneous local communities negotiating the complexities of regional state formations national power assertions and geopolitical competitions Taken together the chapters in this handbook examine diverse people s

struggles to establish processes of democratic accountability in relation to the colonial era state consolidations postcolonial military occupations interstate wars intrastate armed conflicts and cold war and post cold war politics that have shaped and transformed social and political identities in the region Contributors chart out varied and bold new directions by attending to local constellations of situated knowledges and practices through which people living in different parts of the disputed region make sense of the conditions and contingencies of their political lives The handbook further initiates a dialogue on the ways in which state power and border regimes have shaped scholarship and undermined the pursuit of shared intellectual and political projects across physical and epistemological boundaries

A Landscape of Contemporary Theories of

International Law Emmanuel Roucounas, 2019-09-16 This rich and remarkable volume offers an overview of the most important schools movements and trends which make up the theoretical landscape of contemporary international law as well as the works of over 500 authors It moves beyond generalization and examines how the relevant literature deals with the basic issues of the international legal system such as international obligations legitimacy compliance unity and universality the rule of law human rights use of force and economics It offers insights into the addressees the state international organizations individuals and other private persons and the construction of international law including law making the relationship between norms and interpretation Moreover it widens the discourse by addressing old yet enduring as well as new concerns about the functioning of the international legal system and presents views of non international lawyers and political scientists regarding that system It is a valuable analysis for researchers students and practitioners

International

Development Law Petra Minnerop, Rüdiger Wolfrum, Frauke Lachenmann, 2019-04-18 This volume brings together articles on international development law from the Max Planck Encyclopedia of Public International Law the definitive reference work on international law It provides an invaluable resource for scholars students and practitioners of international development law giving an accessible thorough overview of all aspects of the field Each article contains cross references to related articles and includes a carefully selected bibliography of the most important writings and primary materials as a guide to further reading The Encyclopedia can be used by a wide range of readers Experienced scholars and practitioners will find a wealth of information on areas that they do not already know well as well as in depth treatments on every aspect of their specialist topics Articles can also be set as readings for students on taught courses

The Battle for International Law

Jochen von Bernstorff, Philipp Dann, 2019-10-22 This volume provides the first comprehensive analysis of international legal debates between 1955 and 1975 related to the formal decolonization process It is during this era couched between classic European imperialism and a new form of US led Western hegemony that fundamental legal debates took place over a new international legal order for a decolonised world The book argues that this era presents in essence a battle a battle that was fought out in particular over the premises and principles of international law by diplomats lawyers and scholars In a moment of relative weakness of European powers newly independent states and international lawyers from the South fundamentally challenged

traditional Western perceptions of international legal structures engaging in fundamental controversies over a new international law. The legal outcomes of this battle have shaped the world we live in today. Contributions from a global set of authors cover contemporary debates on concepts central to the time such as self-determination, sources and concessions, non-intervention, wars of national liberation, multinational corporations and the law of the sea. They also discuss influential institutions such as the United Nations, International Court of Justice and World Bank. The volume also incorporates contemporary regional approaches to international law in the decolonization era and portraits of important scholars from the Global South.

International Investment Law and History Stephan W. Schill, Christian J. Tams, Rainer Hofmann, 2018-02-23

Historiographical approaches in international investment law scholarship are becoming ever more important. This insightful book combines perspectives from a range of expert international law scholars who explore ways in which using a broad variety of methods in historical research can lead to a better understanding of international investment law.

East Asian International Relations in History Kyu-hyun Jo, 2024-08-28

This book provides a sweeping overview of East Asian international relations in history from the nineteenth century onwards with a focus on Korea and its relationship with East Asia and the USA. In contrast with many books which concentrate exclusively on the twentieth century, this book offers a long-term perspective on modernity and modernization in East Asia. It addresses the tributary system, the Meiji Restoration, Japanese imperialism in East Asia and the Cold War in East Asia. It also incorporates the First and Second Indochina Wars from Vietnam's perspective and expands the geographical scope of East Asia beyond the traditional framework of Korea, Japan and China. The book begins with the tributary system as a starting point of East Asian modernity in contrast to the old view that the tributary system was not a modern system. It rejects the idea that Japan was modernizing while Korea remained stagnant and shows why Japanese colonialism continues to be controversial and problematic. Through the book's emphasis on Vietnam's perspective of the Indochina Wars, it places much value on nationalism, anti-imperialism and decolonization as forces of modernity and modernization. Relevant to scholars and students in history, international relations and East Asian studies, more broadly, the book brings with it a novel, fresh and innovative approach to East Asian history.

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