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Termination And Revision Of Treaties In The Light Of New Customary International Law

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The Termination and Revision of Treaties in the Light of New Customary International Law Nancy Kontou, 1994 This book deals with a central issue of international law the relationship between two of its sources treaty and custom In particular it examines one aspect of this relationship that has not been satisfactorily covered in the literature whether new customary law may abrogate or modify prior incompatible treaties State practice in the Law of Sea and other areas of international law contains a number of examples of treaties that have been terminated or revised on account of new conflicting custom The author draws on these examples as well as on decisions of international tribunals to argue that although new customary law does not automatically affect prior incompatible treaties it gives a State under certain conditions the unilateral right to call for their termination or revision This is an original position on a controversial subject that was considered too complex to be included in the Vienna codification of the Law of Treaties This issue may arise in all areas of international law and is of practical importance to all those involved in the field

Commentary on the 1969 Vienna Convention on the Law of Treaties Mark Eugen Villiger, 2009 The 1969 Vienna Convention on the Law of Treaties regulating treaties between States lies at the heart of international law This commentary interprets the Convention's 85 articles clearly and precisely It covers such major topics as reservations to treaties their interpretation and the grounds for terminating a treaty for instance breach Emphasis is placed on the practice of States and tribunals and on academic writings It contains further sections on customary international law and the Convention's history while providing up to date information on ratifications and reservations This commentary is a must for practitioners and academics wishing to establish the meaning and scope of the provisions of the Vienna Convention on the Law of Treaties

An Introduction to Contemporary International Law Lung-chu Chen, 2015 Applies the New Haven School approach explaining discrete aspects of the global decision process and their effects on the content of international legal rules Provides an in depth treatment of the key features of the New Haven School of international law References both classic historical examples and contemporary events to illustrate international legal processes and principles Focuses on important trends in international law including the movement from a state centered system to a people centered one Contributes to the growth of a world community of human dignity through international law Publishers website

Brownlie's Principles of Public International Law Ian Brownlie, James Crawford, 2012-09-27 Serving as a single volume introduction to the field as a whole this book seeks to present international law as a system that is based on and helps structure relations among states and other entities at the international level It identifies the constituent elements of that system in a clear and accessible fashion

Conflict of Norms in Public International Law Joost Pauwelyn, 2003-07-31 One of the most prominent and urgent problems in international governance is how the different branches and norms of international law interact and what to do in the event of conflict With no single international legislator and a multitude of states international organisations and tribunals making and enforcing the law the

international legal system is decentralised This leads to a wide variety of international norms ranging from customary international law and general principles of law to multilateral and bilateral treaties on trade the environment human rights the law of the sea etc Pauwelyn provides a framework on how these different norms interact focusing on the relationship between the law of the World Trade Organisation WTO and other rules of international law He also examines the hierarchy of norms within the WTO treaty His recurring theme is how to marry trade and non trade rules or economic and non economic objectives at the international level *Chinese (Taiwan) Yearbook of International Law and Affairs, Volume 27 (2009)*

,2020-02-03 The Chinese Taiwan Yearbook of International Law and Affairs commenced publication in 1981 under the auspices of the Chinese Taiwan Society of International Law The Yearbook publishes on multi disciplinary topics with a focus on international and comparative law issues regarding Taiwan Mainland China and the Asia Pacific region The Yearbook is one of the foremost publications in the world concentrating on issues of greater China **Modification of Treaties by**

Subsequent Practice Irina Buga,2018-04-04 While treaties can be notoriously difficult to amend by formal means they must nevertheless be adapted over time in order to remain useful Herein lies the role of subsequent practice as a key tool for treaty change Subsequent practice a well established means of treaty interpretation sometimes diverges from the original treaty provision to such an extent that it can no longer be said to constitute an act of interpretation or application Rather it becomes in effect one of treaty modification The modification of treaties by subsequent practice extends to all fields of international law from the law of the sea environmental law and investment law to human rights and humanitarian law Such modifications can have significant practical consequences from revising or creating new rights and obligations to establishing new institutional mechanisms Determining when and how treaty modification by subsequent practice occurs poses difficulty to legal scholars and dispute settlement bodies alike and impacts States expectations as to their treaty obligations This significant yet underexplored process is the focus of this book Modification of Treaties by Subsequent Practice proves that subsequent practice can under carefully defined conditions that ensure strict accordance with the will of the treaty parties alter supplement and terminate treaty provisions or even entire treaty frameworks It can also generate customary law and fuel regime interaction Ultimately this book demonstrates the relevance and dynamism of the process of treaty modification by subsequent practice emphasizing the need to deal with the issue head on and explains on a theoretical and practical level how it can be identified and dealt with more consistently in the future The book thus contributes to a deeper understanding of the process of treaty modification by subsequent practice and its continued role in striking the judicious balance between the stability of treaties on the one hand and the organic evolution of the law on the other **Just**

War Or Just Peace? Simon Chesterman,2002 This book asks whether states have the right to intervene in foreign civil conflicts for humanitarian reasons The UN Charter prohibits state aggression but many argue that such a right exists as an exception to this rule Offering a thorough analysis of this issue the book puts NATO s action in Kosovo in its proper legal

perspective *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 **Equity and Equitable Principles in the World**

Trade Organization Anastasios Gourgourinis, 2015-07-24 This book analyses whether and how equity and equitable principles can be employed as juridical tools in the legal reasoning of judges and lawyers in World Trade Organization WTO disputes where there is interaction between norms derived from the multilateral trade regime and other international legal regimes Bringing the literature on equity and equitable principles in international law up to date this book tackles several legal problems which have emerged in WTO dispute settlement practice as well as engaging with the concept of the fragmentation of international law The book provides an original argument about the role and significance of equity and equitable principles in the debate over fragmentation by providing a coherent methodology for addressing conflicts and overlaps between WTO and non WTO norms in the context of Dispute Settlement Body proceedings **British**

Contributions to International Law, 1915-2015 (Set) Jill Barrett, Jean-Pierre Gauci, 2020-12-15 The original documentary sources of key British contributions to international law spanning the past 100 years are collected for the first time in this unique anthology set of 4 books These range from seminal writings of highly qualified British scholars of international law judgments of British courts opinions of British judges on international courts and tribunals and pleadings by British advocates treaties concluded and statements made by the United Kingdom government British contributions to international legal drafting legislation and parliamentary debates to an imaginative selection of other forms of literature The Editors introduction explains why of all the multifarious British contributions these are the ones that have had the most enduring impact upon the development of international law from a global perspective The sheer quality in these texts speaks for itself these are the must read and must keep classic pieces for all interested in international law and the uniquely British contributions to it Please also see the following related titles *British Influences on International Law 1915-2015* The Role of

Legal Advisers in International Law **The Oxford Guide to Treaties** Duncan B. Hollis, 2020 This guide is an authoritative reference point for anyone interested in the creation or interpretation of treaties and other forms of international agreement It covers the rules and practices surrounding their making interpretation and operation and uses hundreds of real examples to illustrate different approaches treaty makers can take *The Oxford Handbook of the Law of the Sea* Donald R.

Rothwell, Alex G. Oude Elferink, Karen N. Scott, Tim Stephens, 2015-03-26 Human activities have taken place in the world's

oceans and seas for most of human history. With such a vast number of ways in which the oceans can be used for trade, exploited for natural resources and fishing, as well as concerns over maritime security, the legal systems regulating the rights and responsibilities of nations in their use of the world's oceans have long been a crucial part of international law. The United Nations Convention on the Law of the Sea comprehensively defined the parameters of the law of the sea in 1982, and since the Convention was concluded, it has seen considerable development. This Oxford Handbook provides a comprehensive and original analysis of its current debates and controversies, both theoretical and practical. Written by over forty expert and interdisciplinary contributors, the Handbook sets out how the law of the sea has developed and the challenges it is currently facing. The Handbook consists of forty chapters divided into six parts. First, it explains the origins and evolution of the law of the sea, with a particular focus upon the role of key publicists such as Hugo Grotius and John Selden, the gradual development of state practice, and the creation of the 1982 UN Convention. It then reviews the components which comprise the maritime domain, assessing their definition, assertion, and recognition. It also analyses the ways in which coastal states or the international community can assert control over areas of the sea and the management and regulation of each of the maritime zones. This includes investigating the development of the mechanisms for maritime boundary delimitation and the decisions of the International Tribunal for the Law of the Sea. The Handbook also discusses the actors and intuitions that impact on the law of the sea, considering their particular rights and interests, in particular those of state actors and the principle law of the sea institutions. Then, it focuses on operational issues, investigating longstanding matters of resource management and the integrated oceans framework. This includes a discussion and assessment of the broad and increasingly influential integrated oceans management governance framework that interacts with the traditional law of the sea. It considers six distinctive regions that have been pivotal to the development of the law of the sea, before finally providing a detailed analysis of the critical contemporary issues facing the law of the sea. These include threatened species, climate change, bioprospecting, and piracy. The Handbook will be an invaluable and thought-provoking resource for scholars, students, and practitioners of the law of the sea.

Law and Politics in Peaceful Use of Nuclear Energy Xinjun Zhang, 2024-10-28

This book analyzes the law and politics in the peaceful use of nuclear energy. The inalienable right as provided for in Article IV of the Treaty on the Non-proliferation of Nuclear Weapons (NPT) has unexpectedly been an interpretation riddle which has brought about many controversies among NPT Party States, like those in the 1970s between the U.S. and its allies, and today in the Iranian nuclear problem and in the North Korean nuclear crisis. This book offers a detailed review and analysis of the lifetime of the norm on the right to the peaceful use of nuclear energy, what factors give rise to a possible design of the dynamic treaty obligation, how they are made in drafting the relevant treaty provisions, and how subsequent practice plays a role in the interpretation. The usefulness of the general rule of interpretation is also challenged in this book, and an interdisciplinary perspective on interpretation is otherwise proposed to better understand the interplay of the law and politics in the nuclear nonproliferation.

regime **The Threat of Force in International Law** Nikolas Stürchler, 2007-07-19 Threats of force are a common feature of international politics advocated by some as an economical guarantee against the outbreak of war and condemned by others as a recipe for war Article 2 4 of the United Nations Charter forbids states to use threats of force yet the meaning of the prohibition is unclear This book provides the first comprehensive appraisal of the no threat principle its origin underlying rationale theoretical implications relevant jurisprudence and how it has withstood the test of time from 1945 to the present Based on a systematic evaluation of state and United Nations practices the book identifies what constitutes a threat of force and when its use is justified under the United Nations Charter In so doing it relates the no threat principle to important concepts of the twentieth century such as deterrence escalation crisis management and what has been aptly described as the diplomacy of violence **Stability And Change in the Law of the Sea** Alex G. Oude Elferink, 2005 This work looks at topics which can contribute to an understanding of how the Convention has been adapted to newly arising issues and how further adaptation may be achieved in the future without a readjustment of the basic legal framework contained in the Convention *Transnational Fugitive Offenders in International Law* Geoff Gilbert, 2021-09-27 This volume covers the subject of international criminal law as it relates to transnational fugitive offenders The concept of international criminal law now has to embrace crimes that occur in no single place cross border financial crimes where vast sums of money exist solely in cyberspace and which have connections with financial institutions in several countries The international community has also established supra national criminal courts to deal with the aftermath of the wars in the former Yugoslavia and Rwanda

Dependent Archipelagos in the Law of the Sea Sophia Kopela, 2013-02-01 Dependent Archipelagos in the Law of the Sea examines the archipelagic concept in international law of the sea with respect to dependent archipelagos both coastal and outlying and evaluates the contribution of state practice to solutions and developments *The Vienna Conventions on the Law of Treaties* Olivier Corten, Pierre Klein, 2011 The 1969 and 1986 Vienna Conventions on the Law of Treaties are essential components of the international legal order This is the first Commentary on their provisions containing thorough and well structured analyses of each of their Articles It draws on preparatory works and practice and is written by a large collection of experts from the field

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