
The Fundamental Rules of the International Legal Order



Jus Cogens and
Obligations *Erga Omnes*

Christian Tomuschat and
Jean-Marc Thouvenin (Eds.)

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The Fundamental Rules Of The International Legal O

Giovanni Distefano



The Fundamental Rules Of The International Legal Order:

The Fundamental Rules of the International Legal Order Christian Tomuschat, Jean Marc Thouvenin, 2006 This work the outgrowth of a joint reflection by French and German international lawyers attempts to reconceptualize the doctrine of hierarchy in international law by emphasizing that a clear distinction should be drawn between primary rules which encapsulate precepts for the protection of the basic values of the international community and secondary rules which determine the regime of legal consequences flowing from a breach of such rules of conduct

Secession in International Law with a Special Reference to the Post-Soviet Space Júlia Miklasová, 2024-08-19 The open access publication of this book has been published with the support of the Swiss National Science Foundation International law is increasing in relevance to the topic of secession This book demonstrates that if a secessionist entity's effectiveness is achieved in violation of peremptory norms the emergence of statehood is precluded thereby challenging a classical view of secession as purely factual and meta legal Dr Júlia Miklasová coins the term illegal secessionist entity demonstrates the pervasive effects of the original illegality on the subsequent relations of such entities purported diplomatic treaty economic relations acts and laws and outlines the overlapping regimes of the law of occupation human rights law and duty of non recognition Post Soviet secessionist entities result from an illegal use of force They are thus prohibited from becoming States and further consequences of their illegality apply

International Law as a Belief System Jean d'Aspremont, 2018 Offers a new perspective on international law and international legal argumentation to what event is international law a belief system

Hierarchy in International Law Erika De Wet, Jure Vidmar, 2012-03-01 This book takes an inductive approach to the question of whether there is a hierarchy in international law with human rights obligations trumping other duties It assesses the extent to which such a hierarchy can be said to exist through an analysis of the case law of national courts Each chapter of the book examines domestic case law on an issue where human rights obligations conflict with another international law requirement to see whether national courts gave precedence to human rights If this is shown to be the case it would lend support to the argument that the international legal order is moving toward a vertical legal system with human rights at its apex In resolving conflicts between human rights obligations and other areas of international law the practice of judicial bodies both domestic and international is crucial Judicial practice indicates that norm conflicts typically manifest themselves in situations where human rights obligations are at odds with other international obligations such as immunities extradition and refoulement trade and investment law and environmental protection This book sets out and analyses the relevant case law in all of these areas

The Role of Ethics in International Law Donald Earl Childress, III, 2011-11-14 The purpose of this book is to explore what role ethical discourse plays in public and private international law The book seeks 1 to delineate the role of ethical investigation in creating sustaining challenging and changing international law and 2 to open up a conversation between two related disciplines public and private international law that frequently labor in different vineyards

By examining the role of ethical discourse in international law's public and private dimensions this volume will hopefully open new avenues for cross disciplinary exchange in these important fields and related disciplines The chapters in this book show that there is a way to engage the ethical dimension of international law without seeking to use ethics as raw politics and the will to power Customary International Law in Times of Fundamental Change Michael P. Scharf, 2013-05-31 This is the first book to explore the concept of Grotian Moments Named for Hugo Grotius whose masterpiece *De jure belli ac pacis* helped marshal in the modern system of international law Grotian Moments are transformative developments that generate the unique conditions for accelerated formation of customary international law In periods of fundamental change whether by technological advances the commission of new forms of crimes against humanity or the development of new means of warfare or terrorism customary international law may form much more rapidly and with less state practice than is normally the case to keep up with the pace of developments The book examines the historic underpinnings of the Grotian Moment concept provides a theoretical framework for testing its existence and application and analyzes six case studies of potential Grotian Moments Nuremberg the continental shelf space law the Yugoslavia Tribunal's Tadic decision the 1999 NATO intervention in Serbia and the 9 11 terrorist attacks *The International Law Commission's Draft Conclusions on*

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Human Choice in International Law Anna Spain Bradley, 2021-07-22 Human Choice in International Law is an exploration of human choice in international legal and political decision making This book investigates the neurobiology of how people choose and the history of how personal choice has affected decisions about international peace and security It charts important decision moments in international law about genocide intervention into armed conflict and nuclear weapons at the central institutions of the international legal order Professor Spain Bradley analyzes the role that particular individuals serving as international judges or Security Council representatives play in shaping decision outcomes and then applies insights from neuroscience to assert the importance of analyzing how cognitive processes such as empathy emotion and bias can influence such decisionmakers Drawing upon historical accounts and personal interviews this book reveals the beauty and struggle of human influences that shape the creation and practice of international law **Fundamentals of Public**

International Law Giovanni Distefano, 2019-05-07 Fundamentals of Public International Law by Giovanni Distefano provides an overview of public international law's main principles and fundamental institutions By introducing the foundations of the legal reasoning underlying public international law the extensive volume offers essential tools for any international lawyer regardless of the specific field of specialization Dealing expansively with subjects sources and guarantees of international law university students scholars and practitioners alike will benefit from the book's treatment of what has been called the

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