

The Hague Academy of International Law

# **The Perplexities of Modern International Law**

**Shabtai Rosenne**

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# The Perplexities Of Modern International Law

**Doris König, Peter-Tobias Stoll, Volker  
Röben, Nele Matz-Lück**



## **The Perplexities Of Modern International Law:**

*The Perplexities of Modern International Law* Académie de Droit International de la Ha Staff, Shabtai Rosenne, 2002 The Academy is an institution for the study and teaching of Public and Private International Law and related subjects Its purpose is to encourage a thorough and impartial examination of the problems arising from international relations in the field of law The courses deal with the theoretical and practical aspects of the subject including legislation and case law All courses at the Academy are in principle published in the language in which they were delivered in the Collected Courses of the Hague Academy of International Law The contents of this volume consist of The Perplexities of Modern International Law General Course on Public International Law by Sh ROSENNE former Ambassador of Israel Jerusalem To access the abstract texts for this volume please click here [Recueil des Cours](#) Hague Academy of International Law. Center for Studies and Research, 2002-06-24 The title of Shabtai Rosenne s general course on public international law is inspired by the major work of the medieval Jewish philosopher and jurist Moses Maimonides These perplexities follow from the conviction that universal peace will become a reality when the world will have a workable rational balanced and accepted general system of international law and impartial and appropriate instruments to enforce it in times of crisis However the world has not yet reached that state The author stresses the importance of the close linkage between law and history and it is with this in mind that Shabtai Rosenne approaches the principal themes of public international law He examines the sources or international law the international courts and tribunals the use of force international humanitarian law human rights international personality maritime spaces space the written word responsibilities and remedies Lastly the author also pays attention to the United Nations system Publisher s description **The Perplexities of Modern International Law** Shabtai Rosenne, 2004 Rosenne presents a revised and updated version of the General Course in Public International Law which the author delivered at the Hague Academy of International Law in 2001 The General Course was previously published in volume 291 of the *Recueil des cours* Collected Courses of the Hague Academy u **A Landscape of Contemporary Theories of International Law** Emmanuel Roucouas, 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 **The**

**Application of Teachings by the International Court of Justice** Sondre Torp Helmersen, 2021-03-04 How do the judges of the International Court of Justice the most authoritative court in international law use teachings when deciding cases This book is the first book length examination of how teachings are used in an important international institution It uses three different methodologies a traditional legal analysis an empirical analysis where citations of teachings are counted and interviews with judges and staff Three main patterns are identified teachings have generally low weight but this weight varies between different works and between different judges The book suggests explanations for the patterns it identifies in order to contribute to understanding not only when and how teachings are used but also why and compares the Court's practice with that of other international courts and tribunals This study fills a gap in the international legal literature and will be essential reading for scholars and practicing international lawyers      *WTO Trade Remedies in International Law* Roberto Soprano, 2018-07-24 World Trade Organisation WTO trade remedies antidumping anti subsidy and safeguard agreements are instruments used by WTO members to counter the economic injury caused by dumping subsidies and the sudden and unforeseen increased imports They are exceptions to the WTO principle of free trade and to the prohibition for States to react unilaterally to protect their own rights and interests and as a result they have been accused by some as being the new tools of protectionism This book analyses of the role and principles of WTO trade remedies in international law In particular it focuses on their aims their structure and their position within the WTO and more in general the international legal system The book considers trade remedies in light of fragmentation theories of international law and addresses the question how and to what extent WTO law reflects and influences public international law      *General Principles of Law in the Decisions of International Criminal Courts and Tribunals* Fabián Raimondo, 2008-11-30 International lawyers usually disregard the vital functions that general principles of law may play in the decisions of international courts and tribunals As far as international criminal law is concerned general principles of law may be crucial to the outcome of an international trial inter alia because the conviction of an accused in respect of a particular charge may depend on the existence of a given defence under this source This volume examines the role that general principles of law have played in the decisions of international criminal courts and tribunals In particular it analyses their alleged subsidiary nature their process of determination and their transposition from national legal systems into international law It concludes that general principles of law have played a significant role in the decisions of international criminal courts and tribunals not only by filling legal gaps but also by being a fundamental means for the interpretation of legal rules and the enhancement of legal reasoning      [The Art of Argument](#) Christopher Kee, 2006 Publisher Description      **International Law Reports** Elihu Lauterpacht, C. J. Greenwood, Andrew Oppenheimer, 2007-10-18 Reports in English on decisions of international courts and arbitrators and judgments of national courts      *The United Nations Convention on the Use of Electronic Communications in International Contracts* Amelia H. Boss, Wolfgang Kilian, 2008-01-01 Error in electronic communications and problems of identity and data integrity Several

authors provide in depth analysis of the interaction between ECC provisions and other relevant legal regimes including the United States ASEAN the EU Sri Lanka India and China as well as the interrelations between the ECC and ICC rules under the CISG and the trade usages of the lex mercatoria The various contributors highlight issues arising from each ECC provision and provide well informed insight into how remaining problems are likely to be resolved as the Convention enters into force Stakeholders from all concerned sectors of the legal community businesspersons and their counsel IGO and government officials and academics will benefit greatly from the detailed information analysis and guidance offered here

**The Internationalisation of Law** Mary Elizabeth Hiscock, William van Caenegem, 2010-01-01 This insightful book explores the acute challenges presented by the internationalisation of law a trend that has been accelerated by the growing requirement for academics and practitioners to work and research across countries and regions with differing legal traditions The authors have all confronted these challenges of internationalisation through their extensive knowledge and experience in civil law common law and mixed jurisdictions around the globe Their analysis of the implications for researchers and teachers as well as practitioners law makers and reformers is original and their different proposals for dealing with the challenges are both practical and at times radical

International Law Today: New Challenges and the Need for Reform? Doris König, Peter-Tobias Stoll, Volker Röben, Nele Matz-Lück, 2007-10-25 Rüdiger Wolfrum celebrated his 65 birthday on 13 December 2006 On this special occasion current and former members of the large circle of his PhD and post doctorate students Doktoranden und Habilitanden organized a symposium on the subject of International Law day New Challenges and the Need for Reform to honour him and his academic work as a teacher and researcher The symposium took place at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg on 15 and 16 December 2006 Since Rüdiger Wolfrum is a renowned scholar in many different fields of public national and international law the subjects covered by the speakers and commentators reflect the wide variety of issues he worked on in his long and impressive academic career They extend from a critical evaluation of the new responsibility to protect and the role of the UN Security Council in post conflict management thoughts on the proliferation of international tribunals with regard to the unity or fragmentation of international law marine genetic resources in the deep sea and environmental protection in Antarctica to human rights issues relating to intellectual property rights and the protection of minorities All the presentations focused on new trends in international law and thus followed the lead of Rüdiger Wolfrum who has always been at the forefront of innovative legal developments

**Commentary on the 1969 Vienna Convention on the Law of Treaties** Mark Eugén 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 *Rosenne's The World Court: What It Is and How It Works* Daphné Richemond-Barak, 2021-08-16 Rosenne's *The World Court* offers a contemporary and interactive take on the UN's main judicial organ The International Court of Justice which has remained largely unchanged since its creation in 1945 operates within a growing network of states and international bodies The book analyzes the institution via the prism of its relationship with states the Court's natural constituency as well as UN organs international and domestic courts academia and non state actors It offers topics for class discussions moot court exercises and model syllabi Direct engagement with the writings of leading scholars in international law and international relations helps uncover the Court's political and legal role in a complex international order The book's novel and multidisciplinary approach make it an essential resource for students teachers and scholars *Armed Non-State Actors in International Humanitarian and Human Rights Law* Konstantinos Mastorodimos, 2017-05-15 The accountability of armed non state actors is a neglected field of international law overtaken by the regimes of state responsibility and individual criminal accountability as well as fears of legitimacy Yet armed non state actors are important players in the international arena and their activities have significant repercussions This book focuses on their obligations and accountability when they do not function as state agents regardless of the existence or extent of accountability of their individual members The author claims that their distinct features lead to their classification into three different types de facto entities armed non state actors in control of territory and common article 3 armed non state actors The mechanisms that trigger the applicability of humanitarian and human rights law regimes are examined in detail as well as the framework of obligations In both cases the author argues that armed non state actors should not be treated as entering international law and process exclusively through the state The study concludes by focussing on their accountability in international humanitarian and human rights law and more specifically to the rules of attribution remedies and reparations for violations of their primary obligations ***The Law And Practice Of The International Court, 1920-2005*** Shabtai Rosenne, Yaël Ronen, 2006 The popularity of his monumental and definitive works have established Shabtai Rosenne as the undisputed expert on the International Court of Justice's law and practice His broad exchange of correspondence and extensive conversations with members of the Court and its Registrars as well as with other friends who know the Court and its practices well and his experience in the Court and in the UN especially the General Assembly and the Security Council led him to undertake this major reconstruction of this work in the previous edition Now divided into several substantive volumes the work addresses The Court as one of the principal organs and as the principal judicial organ of the United Nations Diplomats and legal advisers who have to deal with matters relating to the Court on a political level in different organs of the United Nations and in other offices will appreciate the full discussion of the diplomatic political and administrative aspects of

the Court's affairs Jurisdiction and the treatment of jurisdictional matters by the Court This volume also includes the Court's advisory jurisdiction the advisory work has related to very difficult legal issues in matters of major political import The Court's procedure All of these arenas have undergone significant recent changes The work's practical features include the English text of the Charter of the United Nations the Statute of the Court the Practice Directions and the 1978 Rules of the Court together with a full set of indexes The Fourth Edition updated until 31 December 2005 of The Law and Practice of the International Court is an essential component of all international law libraries and an indispensable work for those practicing in the field all of whom will appreciate access to the most recent work on the Court from this expert author

**International Internet Law** Joanna Kulesza, 2012-03-15 This book discusses the international legal issues underlying Internet Governance and proposes an international solution to its problems The book encompasses a wide spectrum of current debate surrounding the governance of the internet and focuses on the areas and issues which urgently require attention from the international community in order to sustain the proper functioning of the global network that forms the foundation of our information fuelled society Among the topics discussed are international copyright protection state responsibility for cyber attacks cyberterrorism and international on line privacy protection Taking a comparative approach by examining how different jurisdictions such as the United States the European Union China and Singapore have attempted various solutions to the problem of Internet Governance the author offers a practical solution to the problem and is a proponent of International Internet Law Kulesza suggests that just as in the case of International Environmental Law an Internet Framework Convention could shape the starting point for international cooperation and lead to a clear contractual division of state jurisdictional competences International Internet Law is of particular interest to legal scholars engaged with the current challenges in international law and international relations as well as students of law international relations and political science The issues discussed in the book are also relevant to journalists and other media professionals facing the challenges of analyzing current international developments in cyberspace

**The Normative Position of International Non-Governmental Organizations Under International Law** Rephael Harel Ben-Ari, 2012-05-07 Exploring contemporary juridical theories regarding the normative position of INGOs vis vis the subjects of international law this book engages in a thorough contextual historical and interdisciplinary evaluation of the potential to generate solutions for the exercise of unregulated authority outside the state system

An Equitable Framework for Humanitarian Intervention Ciarán Burke, 2013-05-09 This book aims to resolve the dilemma regarding whether armed intervention as a response to gross human rights violations is ever legally justified without Security Council authorisation Thus far international lawyers have been caught between giving a negative answer on the basis of the UN Charter's rules positivists and a turn to ethics declaring intervention legitimate on moral grounds while eschewing legal analysis moralists In this volume a third solution is proposed The idea is presented that many equitable principles may qualify as general principles of law recognised by

civilised nations one of the three principal sources of international law though a category that is often overlooked a conclusion based upon detailed research of both national legal systems and international law These principles having normative force in international law are then used to craft an equitable framework for humanitarian intervention It is argued that the dynamics of their operation allow them to interact with the Charter and customary law in order to fill gaps in the existing legal structure and soften the rigours of strict law in certain circumstances It is posited that many of the moralists arguments are justified albeit based upon firm legal principles rather than ethical theory The equitable framework proposed is designed to provide an answer to the question of how humanitarian intervention may be integrated into the legal realm Certainly this will not mean an end to controversies regarding concrete cases of humanitarian intervention However it will enable the framing of such controversies in legal terms rather than as a choice between the law and morality has potential to become one of the most important books in public international law of the decade or in a generation Martin Scheinin

Professor of Public International Law European University Institute Florence      **The Law and Practice of the International Court, 1920-2005 (4 vols)** Shabtai Rosenne, 2006-02-01 The popularity of his monumental and definitive works have established Shabtai Rosenne as the undisputed expert on the International Court of Justice s law and practice His broad exchange of correspondence and extensive conversations with members of the Court and its Registrars as well as with other friends who know the Court and its practices well and his experience in the Court and in the UN especially the General Assembly and the Security Council led him to undertake this major reconstruction of this work in the previous edition Now divided into several substantive volumes the work addresses The Court as one of the principal organs and as the principal judicial organ of the United Nations Diplomats and legal advisers who have to deal with matters relating to the Court on a political level in different organs of the United Nations and in other offices will appreciate the full discussion of the diplomatic political and administrative aspects of the Court s affairs Jurisdiction and the treatment of jurisdictional matters by the Court This volume also includes the Court s advisory jurisdiction the advisory work has related to very difficult legal issues in matters of major political import The Court s procedure All of these arenas have undergone significant recent changes The work s practical features include the English text of the Charter of the United Nations the Statute of the Court the Practice Directions and the 1978 Rules of the Court together with a full set of indexes The Fourth Edition updated until 31 December 2005 of The Law and Practice of the International Court is an essential component of all international law libraries and an indispensable work for those practicing in the field all of whom will appreciate access to the most recent work on the Court from this expert author



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