

The Practice of Transnational Law

Edited by
Klaus Peter Berger

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The Practice Of Translational Law

Niels Blokker



The Practice Of Translational Law:

Legal Facets of the Practice of International Organizations Niels Blokker, 2025-05-19 The aim of this special course is to discuss a number of legal facets of the practice of international organizations A first legal facet is practice as a rule Here the notion of established practice will be analyzed The second legal facet covered by this course is practice as a power discussing the power generating capacity of the practice of international organizations The third legal facet concerns practice of international organizations as an interpretative device The fourth and fifth legal facet will analyze how the International Court of Justice and the International Law Commission have dealt with the practice of international organizations in their work Overall the analysis of these legal facets demonstrates that the function of law in the practice of international organizations is to provide these organizations and their members with a flexible framework for shared sovereignty

The Oxford Handbook of the Theory of International Law Anne Orford, Florian Hoffmann, Martin Clark, 2016-09-22 The Oxford Handbook of International Legal Theory provides an accessible and authoritative guide to the major thinkers concepts approaches and debates that have shaped contemporary international legal theory The Handbook features 48 original essays by leading international scholars from a wide range of traditions nationalities and perspectives reflecting the richness and diversity of this dynamic field The collection explores key questions and debates in international legal theory offers new intellectual histories for the discipline and provides fresh interpretations of significant historical figures texts and theoretical approaches It provides a much needed map of the field of international legal theory and a guide to the main themes and debates that have driven theoretical work in international law The Handbook will be an indispensable reference work for students scholars and practitioners seeking to gain an overview of current theoretical debates about the nature function foundations and future role of international law

The Many Lives of Transnational Law Peer Zumbansen, 2020-04-02 Sixty years after Jessup s Transnational Law Lectures this collection traces the field s development and significance to the present day

The Practice of Shared Responsibility in International Law André Nollkaemper, Ilias Plakokefalos, Jessica Schechinger, Jann K. Kleffner, 2017-02-02 This book reviews the practice of shared responsibility in multiple issue areas of international law to assess its application and development

Self-determination in International Law Anne F. Bayefsky, 2000-03-04 The case of Quebec within Canada and the Supreme Court of Canada s case on the legality of secessionist attempts by Quebec is one example of the tension associated with the relationship between self determination and a right of secession The object of the book is to render available to the international community the expert opinions and legal arguments associated with the Supreme Court of Canada s decision on the Quebec Secession Reference The questions put to the Court in large part concerned international law leading the parties to the Reference to seek opinions from international law experts around the world as they prepared their arguments which are presented in this book Self determination is an idea rooted in human dignity and its meaning and force parallel the emergence of new understandings of

the nature of sovereignty and the role of international law in the protection of human rights The UN Human Rights Committee has identified self determination as one of the most awkward principles to define because abuse of this right could jeopardize international peace and security Self determination as formulated by the International Court of Justice requires a free and genuine expression of the will of the peoples concerned But serious questions remain about the extent of the relationship between self determination and a right of secession Does self determination legitimate internal self government association of some kind with another state or statehood and in what contexts

Research Handbook on the Theory and Practice of International Lawmaking Catherine Brölmann, Yannick Radi, 2016-04-29 The global landscape has changed profoundly over the past decades As a result the making of international law and the way we think about it has become more and more diversified This Research Handbook offers a comprehensive guide to the theory and practice of international lawmaking today It takes stock at both the conceptual and the empirical levels of the instruments processes and actors involved in the making of international law The editors have taken an approach which carefully combines theory and practice in order to provide both an overview and a critical reflection of international lawmaking Comprehensive and well structured the book contains essays by leading scholars on key aspects of international lawmaking and on lawmaking in the main issue areas Attention is paid to classic processes as well as new developments and shades of normativity This timely and authoritative Handbook will be a valuable resource for academics students legal practitioners diplomats government and international organization officials as well as civil society representatives

The 'War on Terror' and the Framework of International Law Helen Duffy, 2015-04-09 Helen Duffy's analysis of international law and practice in relation to terrorism and counter terrorism provides a framework for analysing the lawfulness of the many legislative policy and judicial developments which have proliferated since 9 11 Among the many specific issues she addresses are targeted killings and the death of Osama bin Laden detentions including Guantanamo Bay sanctions regimes surveillance extraordinary renditions the prohibition on association or support for terrorism and the evolving preventive role of criminal law She also considers the unfolding responses to political and judicial wrongs committed in the war on terror such as the impact of the courts on human rights protection While exploring areas of controversy uncertainty and flux she questions post 9 11 allegations of gaping holes inadequacies or transformation in the international legal order and concludes by highlighting characteristics of the war on terror and questioning its longer term implications

Research Handbook on the Sociology of International Law Moshe Hirsch, Andrew Lang, 2018-11-30 Bringing together a highly diverse body of scholars this comprehensive Research Handbook explores recent developments at the intersection of international law sociology and social theory It showcases a wide range of methodologies and approaches including those inspired by traditional social thought as well as less familiar literature including computational linguistics performance theory and economic sociology The Research Handbook highlights anew the potential contribution of sociological methods and theories to the study of international law

and illustrates their use in the examination of contemporary problems of practical interest to international lawyers

International Law Malcolm N. Shaw, 2003-09-25 This fifth edition of Malcolm Shaw's bestselling textbook on international law provides a clear authoritative and comprehensive introduction to the subject fully revised and updated to Spring 2003. Basically preserving the structure which made the previous edition so successful, a new chapter on Inter-state Courts and Tribunals considers the role of the International Court of Justice and the International Tribunal on the Law of the Sea and there is a new chapter on international humanitarian law. Also examined are arbitration tribunals and the role of international institutions such as the WTO in resolving conflicts. The prosecution of individuals for violations of international law is examined. Additional coverage of events in Kosovo and Iraq analyses the questions of humanitarian intervention and the role of the UN. Written in a clear and accessible style setting the subject firmly in the context of world politics and the economic and cultural influences affecting it, this book remains a highly readable and invaluable resource for students and practitioners alike. The scope of the text makes this essential reading for students of international law, international relations and the political sciences. The book is also valuable to professionals and governmental and international civil servants. **The**

Oxford Handbook on the Sources of International Law Samantha Besson, Jean D'Aspremont, Séverine Knuchel, 2017 This Oxford Handbook examines the sources of international law, how the understanding of sources changed throughout the history of international law, how the main legal theories understood sources, the relationship between sources and the legitimacy of international law, and how sources differ across the various sub-areas of international law. International Law and the European Union Jed Odermatt, 2021-10-21 The European Union plays a significant role in international affairs. International Law and the European Union examines the impact this has had on public international law by integrating perspectives from both EU law and international law. Its analysis focuses on fields of public international law where the EU has had an influence, including customary international law, the law of treaties, international organizations, international dispute settlement, and international responsibility. International Law and the European Union shows how the EU has had a subtle but significant impact on the development of international law and how the international legal order has developed and adjusted to accommodate the EU as a distinct legal actor. In doing so, it contributes to our understanding of how international law addresses legal subjects other than States. **The Changing Nature of Customary International Law**

Noora Arajärvi, 2014-04-24 This book examines the evolution of customary international law (CIL) as a source of international law. Using the International Criminal Tribunal for the former Yugoslavia (ICTY) as a key case study, the book explores the importance of CIL in the development of international criminal law and focuses on the ways in which international criminal tribunals can be said to change the ways in which CIL is formed and identified. In doing so, the book surveys the process and substance of CIL as well as the problematic distinction between the elements of state practice and *opinio juris*. By applying an inclusive positivist approach, Noora Arajärvi analyses the methodologies of identification of CIL in selected cases of the ICTY.

and their normative foundations Through examination of the case law and the reasoning of courts and tribunals Araj rvi demonstrates to what extent the court s chosen method of identification of CIL affects the process of custom formation and the resulting system of norms in general The book will be of great value to researchers and scholars of international law international relations and practitioners with interests in customary international law *The Elements of International Law* George Breckenridge Davis,1900

The International Law of the Shipmaster John A. C. Cartner,Richard Fiske,Tara Leiter,2013-03-01 A comprehensive review of the laws and regulations governing the shipmaster including customary law case law statutory law treaty law and regulatory law covering A brief history of the shipmaster Manning and crewing requirements in relation to vessel registration Comparison of regimes of law of agency for shipmasters and crews across jurisdictions Examination of shipmaster liability civil and criminal *The European Convention on Human Rights and General International Law* Anne van Aaken,Iulia Motoc,2018-09-20 The European Court of Human Rights is one of the main players in interpreting international human rights law where issues of general international law arise While developing its own jurisprudence for the protection of human rights in the European context it remains embedded in the developments of general international law However because the Court does not always follow general international law closely and develops its own doctrines which are in turn influential for national courts as well as other international courts and tribunals a feedback loop of influence occurs This book explores the interaction including the problems arising in the context of human rights between the European Convention on Human Rights and general international law It contributes to ongoing debates on the fragmentation and convergence of international law from the perspective of international judges as well as academics Some of the chapters suggest reconciling methods and convergence while others stress the danger of fragmentation The focus is on specific topics which have posed special problems namely sources interpretation jurisdiction state responsibility and immunity *Law at the Vanishing Point* Professor Aaron Fichtelberg,2013-02-28 Two central questions are at the core of international legal theory What is international law and Is international law really law This volume examines these critical questions and the philosophical foundations of modern international law using the tools of Anglo American legal theory and western political thought Engaging with both contemporary and historical legal theory and with an analysis of international law in action the book builds an understanding and theory of law from the perspective of those who actually use this legal system and understand it rather than constructing an artificial system from the standpoint of political scientists and moral philosophers Law at the Vanishing Point provides a fascinating new challenge to those who reduce international law either to ethics or to politics and provides a critical new appraisal of its power as an independent force in human social relations

Representing the Corporation Richard H. Weise,1996-01-01 Representing the Corporation gives you the inside track on understanding the legal services the corporation is really seeking from its counsel Richard H Weise shares his 30 years of experience in corporate legal affairs to show you how to develop practices that are in tune with the needs and requirements

of the client Weise offers valuable guidance to in house counsel and practitioners on Getting client feedback effectively Developing a healthy interdependent relationship with the client Implementing an effective dispute resolution strategy an important client satisfier Helping a client with ethics management issues Offering the client a no surprises covenant Working with the client on important compliance issues and crisis management Plus leading edge coverage of vital topics such as the law of the Internet international corporate practice intellectual property securities law government contracting tax mergers and acquisitions and more Representing the Corporation contains a wealth of adaptable sample forms checklists spreadsheets in house reports and manuals for your particular situation

Power and Pluralism in International Law Edward S. Cohen, 2022-03-10 Demonstrating the crucial role that private international law and legality has played and continues to play in shaping globalization this book argues that the rules institutions and actors that make up the practice of private international law have been critical in translating political and economic power into legal regimes that have facilitated the processes of globalization These processes depend on two fundamental types of socio political action the legal structuring of emerging transnational spaces and flows of goods capital and finance and the legal political reconfiguration of state power and priorities to facilitate the growth of these spaces and their penetration into national political economic and social spaces While a variety of processes were involved in these forms of action the material practices of private international law played a central role in this project of political economic reconstruction Offering a theory of private international legality as a practice that intersects with and provides a vehicle for the mobilization of political and economic power this book examines the construction and enrolment of private law expertise and the structural condition of pluralism in the global political economy to argue that private international law has helped construct a global political economy responsive to the priorities of powerful actors and resistant to the demands and interests of the rest of the world s populations It will be of interest to academics and students exploring the relationship between law international political economy and the nature of state power

Akehurst's Modern Introduction to International Law Peter Malanczuk, 2002-04-12 First published in 2002 Routledge is an imprint of Taylor Francis an informa company

National Courts and the International Rule of Law André Nollkaemper, 2012-10-11 Domestic courts contribute to the maintenance of the rule of international law by providing judicial control over the exercises of public powers that may conflict with international law This book comprehensively explores this issue and focuses mainly on judicial control of exercise of public powers by states

Whispering the Secrets of Language: An Psychological Journey through **The Practice Of Translational Law**

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