

Introduction Au Droit International Public Daxmoy

This book revisits the theory of the sources of international law from the perspective of formalism. It critically analyses the virtues of formalism, construed as a theory of law ascertainment, as a means of distinguishing between law and non-law. The theory of formalism is re-evaluated against the backdrop of the growing acceptance by international legal theorists of the blurring of the lines between law and non-law. At the same time, the book acknowledges that much international normative activity nowadays takes place outside the ambit of traditional international law and that only a limited part of the exercise of public authority at the international level results in the creation of international legal rules. The theory of ascertainment that the book puts forward attempts to dispel some of the illusions of formalism that accompany the traditional sources of international law. It also sheds light on the tendency of scholars, theorists, and advocates to deformalize the identification of international legal rules with a view to expanding international law. The book seeks to revitalize and refresh the formal identification of rules by engaging with some tenets of the postmodern critique of formalism. As a result, the book not only grapples with the practice of law-making at the international level, but it also offers broad theoretical insights on international law, dealing with the main schools of thought in legal theory (positivism, naturalism, legal realism, policy-oriented jurisprudence, and postmodernism). This paperback edition features the author's discussion of this book on the EJIL Talk blog.

Originally published in 1986 this book has become a classic of international law literature. It was a penetrating critique of the methodology of international law as it had come to be understood and accepted by the generality of international lawyers. It called for a realisation of the crucial role which international lawyers should play in reflecting in the nature and implications of the principles and arguments used by governments and other actors in the international stage. It called for a positive legal analysis of international issues. This edition comes with a new 10,000 word introduction that will put the original work in its proper historical context. New generations of international legal scholars who did not read Carty in the 1980s and who have had little chance to do so since then because of the book's unavailability will show a great deal of interest in delving into the thoughts of one of the most influential critical legal thinkers.

La notion de "sources" du droit international a été créée afin de constituer un cadre conceptuel de

référence en droit international. Les penseurs positivistes ont développé la "théorie des sources" du droit international au début du siècle, influencés par le schéma fourni par la formation des normes en droit interne. Or les logiques de formation du droit international et de l'ordre juridique interne sont clairement différentes, dans la mesure où le droit international résulte de la rencontre des volontés égales et indépendantes des Etats et n'obéit pas à une logique hiérarchisée, formalisée et unilatérale. La notion même de "sources" suscite ainsi des débats passionnés, à tel point que les "sources" peuvent paraître introuvables. Certains auteurs (Combacau, Sur) rejettent la notion à cause de sa portée doctrinale. Par exemple le pluriel généralement utilisé dénote l'impossibilité d'aboutir à un fondement unique, que ce soit au sens historique ou logique. D'autres (Dupuy, Bossuyt) soulignent l'importance de cette analyse des modes traditionnels de formation du droit international, aussi appelée "théorie des sources formelles" : c'est l'étude des procédés techniques de création et de validation des normes juridiques, à l'exclusion de l'examen des fondements éthiques, des causes sociales ou des fins politiques que poursuit la norme concernée qui s'apparentent aux sources et finalités matérielles. La société internationale est essentiellement décentralisée. Les pouvoirs de création du droit et d'application du droit n'appartiennent pas à une entité centralisée. Il n'y a pas d'Etat mondial, et les principaux sujets de droit sont aussi les principaux créateurs du droit. Le droit international a trois sources principales : les traités internationaux, la coutume et les principes généraux du droit.

Introduction au droit des Nations Unies

The Salt Agreements

Introduction au droit international privé

La nécessité en droit international

contenant une étude historique et critique de la théorie des statuts et des rapports de cette théorie avec le Code civil

La structure de l'ordre juridique international

Annex I is commented by Philippe Eberlin.

This book examines the responsibility of States and international organizations for complicity (aid or assistance) in an internationally wrongful act. Despite the recognition of responsibility for complicity as a rule of customary international law by the International Court of Justice, this book argues that the effectiveness and utility

of this form of responsibility is fraught with systemic and operational limits. These limits include a lack of clarity in its constituent elements, its co-existence with primary rules prohibiting complicity and the obligations of due diligence, its implementation and the underlying causal tests, its uncertain relationship to other forms of shared and indirect responsibility, and its potential as a form of attribution of conduct. This book submits that the content and elements of this form of responsibility need adjustments to respond more effectively to the phenomenon of complicity in international affairs. Awarded The Paul Guggenheim Prize in International Law 2017! International Law provides a comprehensive theoretical examination of the key areas of international law. In addition to classic cases and materials, Carlo Focarelli addresses the latest relevant international practice to illustrate contemporary themes and trends in international law and to examine its most topical challenges.

Unilateral Acts of States in Public International Law

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tel qu'il est interprété et appliqué au Canada

Rewriting Histories of the Use of Force

Recueil Des Cours, Collected Courses, 1974

The decay of international law

The Interpretation of International Law by Domestic Courts assesses the growing role of domestic courts in the interpretation of international law. It asks whether and if so to what extent domestic courts make use of the international rules of interpretation set forth in the Vienna Convention on the Law of Treaties. Given the expectation that rules of international law are to have a uniform interpretation and application throughout the world, the practice of domestic courts is considerably more diverse. The contributions to this book analyse three key questions: first, whether international law requires a coherent interpretive approach by domestic courts. Second, whether a common or convergent methodological outlook can be found in domestic court practice. Third, whether a common interpretive approach is desirable from a normative perspective. The book identifies a considerable tension between international law's ambition for universal and uniform application and a plurality of different

approaches. This tension between unity and diversity is analysed by a group of leading international lawyers from a wide range of geographical, disciplinary and methodological approaches. Drawing on domestic practice of number of jurisdictions including, among others, Colombia, France, Japan, India, Israel, Mexico, South Africa, the United Kingdom and the United States, the book puts the interpretative practice of domestic courts in a wider context. Its chapters offer doctrinal, practical as well as theoretical perspectives on a central question for international law.

A. PARTIES TO A TREATY.

Le droit international a connu un essor considérable ces cinquante dernières années. Il n'est plus le simple cadre de la diplomatie et des relations internationales. Par son éthique, ses principes et ses règles techniques, il s'est désormais installé au cœur des valeurs qui forment l'être intérieur des États. L'étude des relations internationales en deuxième année des facultés de droit et, de manière générale, l'exploration raisonnée et maîtrisée de la complexité du droit international public, s'appuient nécessairement sur une bonne connaissance de l'histoire, des doctrines, de la spécificité normative, de la portée et des règles caractéristiques de cette discipline transversale. L'ouvrage offre ainsi une vision à la fois plurielle, méthodique et opératoire de la matière, à l'usage des étudiants de deuxième année de DEUG de droit, mais aussi de ceux des années postérieures souhaitant se repositionner sur les repères cardinaux qui organisent, sous-tendent et orientent l'évolution de la matière. Cet ouvrage contient également les documents fondamentaux du droit des relations internationales.

Introduction au droit international public

International Civil and Commercial Law as Founded Upon Theory, Legislation, and Practice

Memories of John Westlake ...

Recueil Des Cours, Collected Courses, 1926

Cours général de droit international public

The Essentials of International Public Law and Organization

This book evaluates the concept of the function of law through the prism of the International Court of Justice. It goes beyond a conventional analysis of the Court's case law and applicable law, to consider the compromise between supranational order and state sovereignty that lies at the heart of its institutional

design. It argues that this compromise prevents the Court from playing a progressive role in the development of international law. Instead, it influences the international legal order in more subtle ways, in particular, in shaping understanding of the nature or form of the international legal order as a whole. The book concludes that the role of the Court is not to advance some universal conception of international law but rather to decide the cases before it in the best possible way within its institutional limits, while remaining aware of law's deeper theoretical foundations. The book considers three key elements: firstly, it examines the historical aspects of the Court's constitutive Statute, and the manner in which it defines its judicial character. Secondly, it considers the drafting process, the function of a dissenting opinion, and the role of the individual judge, in an attempt to discern insights on the function of the Court. Finally, the book examines the Court's practice in regard to three conceptual issues which assist in understanding the Court's function: its theory of precedent; its definition of the 'international community'; and its theory on the completeness of the international legal order.

The Academy is a prestigious international institution for the study and teaching of Public and Private International Law and related subjects. The work of the Hague Academy receives the support and recognition of the UN. 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 .

If an old treaty regulating 'commerce' or forbidding 'degrading treatment of persons' is to be interpreted decades after its conclusion, does 'commerce' or 'degrading treatment of persons' have the same meaning at the time of interpretation as they had when the treaty was concluded? The evolutionary interpretation of treaties has proven one of the most controversial topics in the practice of international law. Indeed, it has been seen as going against the very grain of the law of treaties, and has been argued to be contrary to the intention of the parties, breaching the principle of consent. This book asks what the place of evolutionary interpretation is within the understanding of treaties, at a time when many important international legal instruments are over five decades old. It sets out to place the evolutionary interpretation of treaties on a firm footing within the Vienna rules of interpretation, as codified in Articles 3133 of the Vienna Convention on the Law of Treaties. The book demonstrates that the evolutionary interpretation of treaties in common with all other types of interpretation is in fact based upon an objective understanding of the intention of the parties. In order to marry intention and evolution, the book argues that, on the one hand, evolutionary interpretation is the product of the correct application of Articles 3133 and, on the other, that Articles 3133 are geared towards the objective establishment of the intention of the parties. The evolutionary interpretation of treaties is therefore shown to represent an intended evolution.

Complicity and its Limits in the Law of International Responsibility

Exercises and Answers

Uniformity, Diversity, Convergence

The Collected Papers of John Westlake on Public International Law

Content, Application, Verification

of 8 June 1977 to the Geneva Conventions of 12 August 1949

Cet ouvrage donne un aperçu des sources et des acteurs du droit international public moderne en prenant tout particulièrement en compte la pratique des Cours et des juridictions suisses. Aussi bien les aspects classiques des rapports interétatiques que les domaines les plus importants de la

coopération internationale (protection internationale des droits de l'homme, droit international humanitaire, droit international de l'environnement, droit international économique) y sont traités. L'activité des organisations internationales est également examinée. Les développements actuels sur le statut du droit international ("initiative d'autodétermination"), sur la protection du climat, mais aussi sur des concepts tels que "assassinats ciblés", "R2P" ou "soft law" sont expliqués de manière concise mais claire. Un grand nombre de ressources électroniques a été inclus. Ce livre est destiné particulièrement aux juristes du niveau " Bachelor " et aux étudiants d'autres horizons, comme aux praticiens qui veulent se faire une idée rapide des concepts de base du droit international. Les décisions internationales et étrangères sont renvoyées systématiquement à la pratique suisse avec des considérants de droit comparé.

It is commonly taught that the prohibition of the use of force is an achievement of the twentieth century and that beforehand States were free to resort to the arms as they pleased. International law, the story goes, was 'indifferent' to the use of force. 'Reality' as it stems from historical sources, however, appears much more complex. Using tools of history, sociology, anthropology and social psychology, this monograph offers new insights into the history of the prohibition of the use of force in international law. Conducting in-depth analysis of nineteenth century doctrine and State practice, it paves the way for an alternative narrative on the prohibition of force, and seeks to understand the origins of international law's traditional account. In so doing, it also provides a more general reflection on how the discipline writes, rewrites and chooses to remember its own history.

There is a great degree of controversy on the proper complexion and role of general principles of law in the international legal order. Opinions range from total rejection of some types of principles to the most enthusiastic endorsement of principles as the necessary oil for the many complex wheels of the legal order. In this book one of the leading public lawyers of his generation explores the concept of good faith and its role in international law. Rather than offer a detailed, comprehensive examination, Kolb aims to map the true points of gravity of the principle of good faith in the international legal order. In so doing, he illustrates how the various legal institutions who operate in the sphere of public international law allow the principle of good faith to unfold.

A reappraisal of the limits of legal imagination in international affairs, With a new introduction

The Evolutionary Interpretation of Treaties

De l'état de nécessité aux situations de nécessité

A Theory of the Ascertainment of Legal Rules

Recueil Des Cours, Collected Courses, 1960

The International Court of Justice and the Judicial Function

In Unilateral Acts of States in Public International Law Przemysław Saganek discusses an important source of States' obligations. The aim is to discover the nature of unilateral acts and possibilities of codifying them in a single set of rules. Cet ouvrage envisage l'état de nécessité sous une nouvelle perspective, en analysant sa fonction de limitation des obligations internationales. L'analyse de la pratique démontre qu'il permet d'éviter que la stricte observation du droit ne produise un coût social excessif dans des situations difficiles. This book analyses state of necessity through a new perspective: its function of limitation of international obligations. State practice shows that this mechanism is meant to avoid an excessive social cost, born out of a strict compliance with the law in a hard case.

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Making the State Work Successfully

Sources of International Law

Introduction à un cours de droit international public

Droit international public

Chinese (Taiwan) Yearbook of International Law and Affairs, Volume 28 (2010)

Commentary on the Additional Protocols

"Complément des manuels d'usage du droit international, cette introduction se limite aux principes généraux et met l'accent sur les relations internationales. Présente brièvement la protection internationale des droits de l'homme, le droit des conflits armés, le droit de l'environnement et le droit international économique. Etudie la pratique des cours et des juridictions suisses en la matière."--Memento.

Cet abrégé de droit international public est destiné aux étudiants de Bachelor en droit. Il fournit une introduction au droit international public général et à certains domaines choisis du droit international public spécial. Il couvre notamment les sujets et les sources du droit international, mais aussi le droit international et européen des droits de l'homme, les relations entre droit international et droit interne, la responsabilité internationale, le règlement pacifique des différends, l'interdiction du recours à la force armée, ainsi que le droit des conflits armés et de la neutralité. La matière est présentée de manière concise et accessible et est illustrée à l'aide de nombreux exemples, de citations de jurisprudence et d'extraits de documents officiels en langue originale. En annexe, l'étudiant trouvera des résumés de la jurisprudence internationale, européenne et suisse la plus importante. Conçu avant tout pour des étudiants suisses, l'abrégé met en lumière les liens entre le droit international public et le droit suisse et se

concentre sur des thèmes de droit international pertinents pour la pratique. Il constitue aussi de ce fait un outil de travail utile pour les praticiens suisses confrontés à des questions de droit international.

Swiss citizens approve of their government and the way democracy is practiced; they trust the authorities and are satisfied with the range of services Swiss governments provide. This is quite unusual when compared to other countries. This open access book provides insight into the organization and the functioning of the Swiss state. It claims that, beyond politics, institutions and public administration, there are other factors which make a country successful. The authors argue that Switzerland is an interesting case, from a theoretical, scientific and a more practice-oriented perspective. While confronted with the same challenges as other countries, Switzerland offers different solutions, some of which work astonishingly well.

International Law in Comparative Perspective

Good Faith in International Law

règles générales et règles conventionnelles

Swiss Public Administration

The Essentials of International Public Law

The Public International Law Study Guide for Students

This book continues the series Select Proceedings of the European Society of International Law, containing the proceedings of the Third Biennial Conference organised by ESIL and the Max Planck Institute for Comparative Public Law and International Law in 2008. The conference was entitled 'International Law in a Heterogeneous World', reflecting an idea which is central to the ESIL philosophy. Heterogeneity is considered one of the pillars upon which Europe's contribution to international law is built and the subject was considered in a number of panels, including such diverse topics as migration, the history of international law, the rules on warfare and international environmental law.

The Chinese (Taiwan) Yearbook of International Law and Affairs includes articles and international law materials relating to Asia-Pacific and the Republic of China on Taiwan.

A sound understanding of public international law is indispensable for any lawyer, whether working in an international or domestic context. It is therefore important that students have a thorough theoretical understanding of international law issues, and are able to apply the relevant international legal rules to a given set of facts, so as to arrive at a legally coherent conclusion. This practical aspect of learning international law is often neglected in favour of more theoretical aspects - which is where this book comes in. The book offers a series of hypothetical practical cases in public international law, including some of its specialised branches, such as international human rights law and international criminal law. It challenges

students to practise and familiarise themselves with the methodology and to write solutions to practical international legal questions. The book is in two parts: part one contains practical (exam-like) questions, while part two contains the solutions. The practical questions in part one are organised by subject, such as treaty law or state responsibility. One chapter is dedicated to more complex 'interconnected' cases, where students are asked to tackle problems which span multiple potential cases and topics. ENDORSEMENT 'An extremely interesting and innovative text that students studying Public International Law should find invaluable.'

Associate Professor Joanne Sellick Associate Dean for Teaching and Learning, University of Plymouth

Abrégé de cours et résumés de jurisprudence

Recueil Des Cours, Collected Courses 1980

les sources

The Interpretation of International Law by Domestic Courts

Internationales und Ausländisches Recht

The Narrative of 'Indifference'