International Law Norms Actors Process

The Sixth Edition of Transnational Business Problems combines the best aspects of a conceptual, systemic approach and a problems approach. It provides a sophisticated intellectual framework for understanding the most significant contractual and regulatory issues in international business. At fewer than 600 pages, this compact book is ideal for a one-semester course. One Volume. Transnational Business Problems presents the important practical and policy aspects of international transactions in one reasonably-sized volume. Covers Systemic Issues First. Transnational Business Problems considers systemic issues first. Four introductory chapters discuss the role of the international lawyer, the resolution of international disputes, the relationship between international and domestic law, the extraterritorial reach of domestic law, and corporate social responsibility. Problems Approach. The introductory chapters are followed by eight problems, each focused on a different kind of transaction: transnational sales, agency and distributorship agreements, licensing, foreign direct investment, mergers and acquisitions, joint ventures, concession agreements, and international debt instruments. Each problem covers both contractual and regulatory issues. Nearly all begin with a sample contract. Sophistication. The book uses primary source materials--draft contracts, statutes, regulations, treaties, cases, and arbitral awards--that allow students, with help from the text, to work through issues in a realistic way. The book goes beyond the nuts and bolts of transactions to encourage consideration of broader policy issues: from the liability of corporations for human rights violations to restrictions on foreign investment; from the compulsory licensing of HIV drugs to the restructuring of sovereign debt. Geographical Diversity. Transnational Business Problems reflects the geographical diversity of business today. The problems focus on China, the European Union, the Andean Community, Mexico, and Brazil. Materials from other parts of the world are included in the introductory chapters. Intellectual Heritage. Transnational Business Problems grows out of a rich intellectual heritage that began with Milton Katz and Kingman Brewster's International Transactions and evolved into Henry Steiner and Detlev Vagts's Transnational Legal Problems. The book views transnational business problems as a particular species of transnational legal problem that both generates and is influenced by transnational legal process. Fully Updated. The Sixth Edition of Transnational Business Problems is fully updated to account for developments through the start of 2019. The introductory chapters and many of the problems have been substantially revised. Every year between editions the authors provide an update in memo form that teachers can distribute as a supplement to their classes.

While its importance in domestic law has long been acknowledged, transparency has until now remained largely unexplored in international law. This study of transparency issues in key areas such as international economic law, environmental law, human rights law and humanitarian law brings together new and important insights on this pressing issue. Contributors explore the framing and content of transparency in their respective fields with regard to proceedings, institutions, law-making processes and legal culture, and a selection of cross-cutting essays completes the study by examining transparency in international law-making and adjudication.

Throughout his career, Michael Reisman emphasized law’s function in shaping the future. In this wide-ranging collection of essays, major thinkers in the international legal field address the goals of the twenty-first century and how international law can address the needs of the world community.

Lawyers know that client counseling can be the most challenging part of legal practice. Clients question and often resist the complexities and uncertainties inherent in law and legal process. Honest advice from the lawyer can make a client doubt his or her allegiance and zeal. Client backlash may be directed at the lawyer who communicates bad news. Thus, the lawyer may feel torn between the obligation to clearly inform a client about weaknesses in legal positions and fear of damaging the client relationship. Too often, the lawyer struggles to counsel a particularly difficult client, but to no avail. Client Science is written to provide insight and advice to lawyers on how to more effectively communicate with their clients with regard to legal realities and difficult decisions. It will help lawyers with the always-difficult task of delivering "bad news," which will result in better-informed and thus more satisfied clients. The book explains applicable social science research and insights and translates them into plain language relevant to legal practice and client counseling. Marjorie Corman Aaron offers specific suggestions related to a lawyer's ordering, timing, phrasing, and type of explanation, as well as style adjustments for the lawyer's voice, gesture, and body position, all to impact client counseling and to improve the lawyer-client relationship.

Also available as an e-book The book argues that the decision-making processes within international organizations and other global governance bodies ought to be subjected to procedural and substantive legal constraints that are associated domestically with the requirements of the rule of law. The book explains why law — international, regional, domestic, formal or soft — should restrain global actors in the same way that judicial oversight is applied to domestic administrative agencies. It outlines the emerging web of global norms designed to protect the rights and interests of all affected individuals, to enable public deliberation, and to promote the legitimacy of the global bodies. These norms are being shaped by a growing convergence of expectations of global institutions to ensure public participation and representation, impartiality and independence of decision-makers, and accountability of decisions. The book explores these mechanisms as well as the political and social forces that are shaping their development by analysing the emerging judicial practice concerning a variety of institutions, ranging from the UN Security Council and other formal organizations to informal and private standard-setting bodies.

Conventionally, international legal scholarship concerned with norm conflicts focuses on identifying how international law can or should resolve them. This book adopts a different approach. It focuses on identifying those norm conflicts that law cannot and should not resolve. The book offers an unprecedented, controversial, yet sophisticated, argument in

favour of construing such irresolvable conflicts as legal dilemmas. Legal dilemmas exist when a legal actor confronts a conflict between at least two legal norms that cannot be avoided or resolved. Addressing both academics and practitioners, the book aims to identify the character and consequences of legal dilemmas, to distil their legal function within the sphere of international law, and to encourage serious theoretical and practical investigation into the conditions that lead to a legal dilemma. The first part proposes a definition of legal dilemmas and distinguishes the term from numerous related concepts. Based on this definition, the second part scrutinises international law's contemporary norm conflict resolution and accommodation devices in order to identify their limited ability to resolve certain kinds of norm conflicts. Against the background of the limits identified in the second part, the third part outlines and evaluates the book's proposed method of dealing with legal dilemmas. In contrast to conventional approaches that recommend dealing with irresolvable norm conflicts by means of non liquet declarations, judicial law-making, or a balancing test, the book's proposal envisions that irresolvable norm conflicts are dealt with by judicial and sovereign actors in a complementary fashion. Judicial actors should openly acknowledge irresolvable conflicts and sovereign actors should decide with which norm they will comply. The book concludes with the argument that analysing various aspects of international law through the concept of a legal dilemma enhances its conceptual accuracy, facilitates more legitimate decision-making, and maintains its dynamic responsiveness.

Recent decades have witnessed an impressive process of normative development in international law. Numerous new treaties have been concluded, at global and regional levels, establishing far-reaching international legal and regulatory regimes in important areas such as human rights, international trade, environmental protection, criminal law, intellectual property, and more. New political and judicial institutions have been established to develop, apply and adjudicate these rules. This trend has been accompanied by the growing consolidation of treaty norms into international custom, and increased references to international law in domestic settings. As a result of these developments, international relations have now reached an unprecedented level of normative density and intensity, but they have also given rise to the phenomenon of 'fragmentation'. The debate over the fragmentation of international law has largely focused on conflicts: conflicts of norms and conflicts of authority. However, the same developments that have given rise to greater conflict and contradiction in international law, have also produced a growing amount of normative equivalence between rules in different fields of international law. New treaty rules often echo existing international customary norms. Regional arrangements reinforce undertakings that already exist at the global level; and common concerns and solutions appear in many international legal fields. This book focuses on such instances of normative parallelism, developing the concept of 'multisourced equivalent norms' in international law, with contributions by leading international law experts exploring the legal and political implications of the concept in a variety of contexts that span the full spectrum of international legal norms and institutions. By concentrating on situations governed by a multitude of similar norms, the book emphasizes the importance of legal contexts and institutional settings to international law-interpretation and application.

Principles of Economics in Context lays out the principles of micro- and macroeconomics in a manner that is thorough, up to date, and relevant to students, attuned to the economic realities of the world around them. It offers engaging treatment of important current topics such as new thinking in behavioral economics, financial instability and market bubbles, debt and deficits, and policy responses to the problems of unemployment, inequality, and environmental sustainability. This new, affordable edition combines the just-released new editions of Microeconomics in Context and Macroeconomics in Context to provide an integrated full-year text covering all aspects of both micro and macro analysis and application, with many up-to-date examples and extensive supporting web resources for instructors and students. Key features include: An eye-opening statistical portrait of the United States; Clear explanation of basic concepts and analytical tools, with advanced models presented in optional chapter appendices; Presentation of policy issues in historical, institutional, social, political, and ethical context--an approach that fosters critical evaluation of the standard microeconomic models, such as welfare analysis, labor markets, and market competition; Issues of human well-being, both domestic and global, are given central importance, enriching the topics and analytical tools to which students are introduced; The theme of sustainability--financial, social, and ecological--is thoroughly integrated in the book, with chapters on alternatives to standard GDP measurement, the environment, common property, public goods, and growth and sustainability in the twenty-first century; Full complement of instructor and student support materials online, including test banks and grading through Canvas.

Transnational tendencies have led to a pluralistic legal environment in which emerging and established legal actors, regulatory levels and types of legal norms co-exist, compete and interact in complex ways. This challenges and changes not only how legal norms are created, applied and enforced but also when these actors, norms and processes are considered legitimate. The book investigates how states and non-state actors interact in transnational settings and pays attention to the understudied question of what effect transnational tendencies have on the legitimacy of legal actors, norms and processes. It seeks to confront three fundamental questions: Has legitimacy significantly changed? Who creates norms and with which consequences for legal procedures and norms? The book considers the question of legitimacy from a broad range of legal perspectives, including environmental law, human rights law and commercial law. It maps out the contours of legitimacy today with an emphasis on the reactions of central actors like states and courts to transnational tendencies. The book thereby provides a conceptually powerful structure within which to further debate the complexity of transnational tendencies in law and proposes innovative approaches to problem solving while designing pathways for further reflection on the development of law in a transnational context.

This book explores international law as a social construct by analysing its social foundations and by re-conceptualizing the way in which it is commonly understood. It asks what law is and how it works in society, and shows why it is worth to struggle for new and better-working rules in the international legal order.

This text offers an original and scholarly introduction to a number of key topics which lie at the heart of modern international law. Based upon the author's highly acclaimed Hague Academy lectures, the book introduces the student to a series of pressing problems which help reveal the complex relationship between legal norms and policy objectives which define contemporary international law.

This volume offers new practical and theoretical perspectives on one of the most complex questions regarding the formation of international law, namely that actors other than states contribute to the making of customary international law. Notwithstanding the International Law Commission’s valuable contribution, the making of customary international law remains riddled with acute practical and theoretical controversies that continue to be intensively debated. Making extensive reference to the case-law of international law courts and tribunals, as well as the most recent scholarly work on customary international law, this volume provides a comprehensive study of the contribution of international organisations and non-state actors to the formation of customary international law. With innovative tools and guidance for law students, legal scholars, and researchers in law, as well as legal practitioners, advisers, judges, arbitrators, and counsels, this collection is essential reading for those wishing to understand and address contemporary questions of international law-making.

In an increasingly interdependent world, states resort to an array of regulatory agreements to deal with problems as disparate as nuclear proliferation, international trade, species destruction, and intellectual property, while threatening military or economic sanctions in order to deter noncompliance. This book argues that this approach is misconceived, and proposes a new model of treaty compliance. Copyright © Libri GmbH. All rights reserved.

Written as the decade-long Syria conflict nears an end, this is the first book-length treatment of how the Syrian war has changed international law. In The Syrian Conflict's Impact on International Law, the authors explain the history of the current conflict in Syria and discuss the principles and process of customary international law formation and the phenomenon of accelerated formation of customary international law known as Grotian Moments. They then explore specific examples, including how use of force against ISIS in Syria has changed the law of self-defense against non-state actors, how the allied airstrikes in response to Syria's use of chemical weapons have changed the law of humanitarian intervention, and others. This book seeks to contribute both to understanding the concept of accelerated formation of customary international law and the specific ways the Syria conflict has led to development of new norms and principles in several areas of international law.

This is a study of the principal negotiating processes and law-making tools through which contemporary international law is made. It does not seek to give an account of the traditional - and untraditional - sources and theories of international law, but rather to identify the processes, participants and instruments employed in the making of international law. It accordingly examines some of the mechanisms and procedures whereby new rules of law are created or old rules are amended or abrogated. It concentrates on the UN, other international organisations, diplomatic conferences, codification bodies, NGOs, and courts. Every society perceives the need to differentiate between its legal norms and other norms controlling social, economic and political behaviour. But unlike domestic legal systems where this distinction is typically determined by constitutional provisions, the decentralised nature of the international legal system makes this a complex and contested issue. Moreover, contemporary international law is often the product of a subtle and evolving interplay of law-making instruments, both binding and non-binding, and of customary law and general principles. Only in this broader context can the significance of so-called 'soft law' and multilateral treaties be fully appreciated. An important question posed by any examination of international law-making structures is the extent to which we can or should make judgments about their legitimacy and coherence, and if so in what terms. Put simply, a law-making process perceived to be illegitimate or incoherent is more likely to be an ineffective process. From this perspective, the assumption of law-making power by the UN Security Council offers unique advantages of speed and universality, but it also poses a particular challenge to the development of a more open and participatory process observable in other international law-making bodies.

"The 15 essays in this book began as papers presented at the Seventh Four Societies Conference hosted at Waseda University, Tokyo, in June 2018, by the Japanese Society of International Law (JSIL). The 'Four Societies' conferences are a collaborative initiative of the American Society of International Law (asil), the Australian New Zealand Society of International Law (ANZSIL), the Canadian Council on International Law (CCIL) and JSIL. The biannual conferences, which began in 2006, provide an opportunity for emerging scholars to foster a collaborative network around a common theme"--

This book takes the reader on a sweeping tour of the international legal field to reveal some of the patterns of difference, dominance, and disruption that belie international law's claim to universality. Pulling back the curtain on the "divisible college of international lawyers," Anthea Roberts shows how international lawyers in different states, regions, and geopolitical groupings are often subject to distinct incoming influences and outgoing spheres of influence in ways that reflect and reinforce differences in how they understand and approach international law. These divisions manifest themselves in contemporary controversies, such as debates about Crimea and the South China Sea. Not all approaches to international law are created equal, however. Using case studies and visual representations, the author demonstrates how actors and materials from some states and groups have come to dominate certain transnational flows and forums in ways that make them disproportionately influential in constructing the "international." This point holds true for Western actors, materials, and approaches in general, and for Anglo-American (and sometimes French) ones in particular. However, these patterns are set for disruption. As the world moves past an era of Western dominance and toward greater multipolarity, it is imperative for international lawyers to understand the perspectives and approaches of those coming from diverse backgrounds. By taking readers on a comparative tour of different international law academies and textbooks, the author encourages them to see the world through the eyes of others -- an essential skill in this fast changing world of shifting power dynamics and rising nationalism.

The essays in this volume address various challenges posed by globalization to the international legal order, in fields which include the use of force, humanitarian law, international trade and

investment law, dispute resolution, human rights, and environmental law.
International LawNorms, Actors, Process : a Problem-oriented ApproachAspen Pub
A comprehensive analysis of the international law applicable to cyber operations, including a systematic study of attribution, lawfulness and remedies.
This textbook, the first of its kind, makes it easy--and fun!--to teach an exciting new course on the "jurisprudence of sport." Unlike sports law, which treats sports as objects of regulation by ordinary legal systems, this course treats sports and games as legal systems to be studied in their own right. The book is appropriate not only for law students but also for undergraduates; it offers an introduction to legal thinking but requires no background in legal doctrine. Student-friendly and deeply comparative, the text draws examples from the world's most popular team and individual sports and games (including baseball, football, soccer, tennis, golf, gymnastics, chess, boxing, and esports) and also from less widely known competitions (competitive eating, cornhole, etc.). Chapters are organized in an intuitive sports-focused manner, covering such issues as scoring systems, penalties, league structure, player eligibility and assignment, amateurism, officiating, replay review, and cheating. The jurisprudence of sport is a fast-developing field of academic study. The authors, one of them a leading figure in the field and both professors at top law schools, maintain a high degree of analytical rigor and theoretical sophistication. Icons sprinkled throughout introduce students to fundamental concepts, some law-particular (such as rules vs. standards and prices vs. sanctions) and others from cognate disciplines (such as agency costs, the Coase Theorem, and psychological biases and heuristics). Richly filled with comments, questions, and exercises, the text facilitates a large variety of pedagogical approaches and is suitable for 2- to 4-credit courses.
The role of international law in global politics is as poorly understood as it is important. But how can the international legal regime encourage states to respect human rights? Given that international law lacks a centralized enforcement mechanism, it is not obvious how this law matters at all, and how it might change the behavior or preferences of state actors. In Socializing States, Ryan Goodman and Derek Jinks contend that what is needed is a greater emphasis on the mechanisms of law's social influence--and the micro-processes that drive each mechanism. Such an emphasis would make clearer the micro-foundations of international law. This book argues for a greater specification and a more comprehensive inventory of how international law influences relevant actors to improve human rights conditions. Substantial empirical evidence suggests three conceptually distinct mechanisms whereby states and institutions might influence the behavior of other states: material inducement, persuasion, and what Goodman and Jinks call acculturation. The latter includes social and cognitive forces such as mimicry, status maximization, prestige, and identification. The book argues that (1) acculturation is a conceptually distinct, empirically documented social process through which state behavior is influenced; and (2) acculturation-based approaches might occasion a rethinking of fundamental regime design problems in human rights law. This exercise not only allows for reexamination of policy debates in human rights law; it also provides a conceptual framework for assessing the costs and benefits of various design principles. While acculturation is not necessarily the most important or most desirable approach to promoting human rights, a better understanding of all three mechanisms is a necessary first step in the development of an integrated theory of international law's influence. Socializing States provides the critical framework to improve our understanding of how norms operate in international society, and thereby improve the capacity of global and domestic institutions to build cultures of human rights,
"Textbook for school students enrolled in International Law courses"--
Peremptory norms are non-derogable standards of international law which impose basic limits on how far governments, politicians, and diplomats can further their own goals. For example, certain core norms prohibit aggressive war and protect basic human rights. This is the first thorough examination of the theory and application of these norms.
The question of the sources of international law inevitably raises some well-known scholarly controversies: where do the rules of international law come from? And more precisely: through which processes are they made, how are they ascertained, and where does the international legal order begin and end? These traditional questions bear on at least two different levels of understanding. First, how are international norms validated as rules of international "law", i.e. legally binding norms? This is the static question of the pedigree of international legal rules and the boundaries of the international legal order. Second, what are the processes through which these rules are made? This is the dynamic question of the making of these rules and of the exercise of public authority in international law. The Oxford Handbook on the Sources of International Law is the very first comprehensive work of its kind devoted to the question of the sources of international law. It provides an accessible and systematic overview of the key issues and debates around the sources of international law. It also offers an authoritative theoretical guide for anyone studying or working within but also outside international law wishing to understand one of its most foundational questions. Thisandbook features original essays by leading international law scholars and theorists from a range of traditions, nationalities and perspectives, reflecting the richness and diversity of scholarship in this area.
Janis, Noyes, and Sadat on International Law presents this complex subject in an authoritative and well-written casebook. The book introduces the history and nature of international law and its sources--treaties, custom, general principles, jus cogens, and equity. It explains how international law is applied in U.S. courts and in international arbitration and adjudication. The book addresses many of the key settings in which international law plays a critical role: international human rights, the recognition and succession of states and governments, international and non-governmental organizations, war and peace, the law of the sea, and inter-state judicial relations. The book's materials, largely domestic and international judicial decisions, are both sophisticated and teachable, the perfect introductory casebook for any U.S. law school.
This book brings together the most influential contemporary writers in the fields of international law and international relations to take stock of what we know about the making, interpretation, and enforcement of international law. The contributions to this volume critically explore what recent interdisciplinary work reveals about the design and workings of

international institutions, the various roles played by international and domestic courts, and the factors that enhance compliance with international law.
Instructors want to explore the processes of international lawmaking through an interdisciplinary approach and problem pedagogy will welcome this new casebook from an outstanding author team. the authors lead students from fundamental to sophisticated topics, through 14 chapters organized into six parts: Introduction to International Law and Lawmaking Participants in the International Legal Process the Interaction of International and Domestic Law the Protection of Human Dignity Interdependence and Integration: The Challenge of Collective Action Problems Challenges to International Law in addition to its emphasis on lawmaking and decisionmaking in the international arena, this new casebook is distinguished by its: excellent authorship; all three contributors are distinguished young scholars known For The quality of their writing problem approach, using real-life examples to illustrate key topics such as state formation (the former Yugoslavia), corporations as international legal actors (the apparel industry in developing states), constructing an environmental regime (protecting ozone layer), The tensions between trade and environmental politics (the tuna-dolphin problem), and responding to uses of force (the Gulf War) emphasis on the creation of implementation, and interpretation of international norms interdisciplinary materials, incorporating perspectives from economics, political science, and critical and feminist legal studies coverage of cutting-edge topics, including International Criminal Law; Environmental Law and regulation, and trade and investment use of maps, photographs, and other visual material to enliven the text manageable length, well-suited to an upper-level course
The scale and horror of recent terror attacks and the panic which ensued throughout the world has forced policy-makers and international lawyers to re-examine international legal tools available to enforce norms against terrorism. The magnitude of the attacks, the modalities of the operations, the profiles of the terrorists and the transnational structure of some terrorist organisations all cast doubt on the adequacy of the existing political and legal framework to fight terrorism. Due to this perception, governments have increased the intensity of measures to combat terrorist activities such as using military force against States sponsoring terrorism, freezing assets of terrorist organizations, and promulgating national security measures designed to protect the State against would be terrorists. This book comprehensively analyses the suitability of existing international legal tools to enforce rules prohibiting terrorism. Contributions from leading experts in international law examine, among others, questions relating to the proper role of international law in combating terrorism, the legality of covert operations against terrorism, whether the law of armed conflict can be applied to the "war against terror", domestic anti-terror laws and their compatibility with human rights standards, and how to regulate the internet to prevent terrorist usage. In addition, the ways in which States can co-operate together to more effectively investigate terrorist infrastructures and apprehend suspects is focused upon. The interplay between different layers of legal authority at international, regional and domestic levels is also subject to review. This thorough examination of the array of legal means at the international community's disposal to enforce norms against terrorism will allow readers to appreciate the real challenges that terrorism and the responses to it pose to the international legal system.
International Law as a Belief System considers how we construct international legal discourses and the self-referentiality at the centre of all legal arguments about international law. It explores how the fundamental doctrines (e.g. sources, responsibility, statehood, personality, interpretation and jus cogens etc.) constrain legal reasoning by inventing their own origin and dictating the nature of their functioning. In this innovative work, d'Aspremont argues that these processes constitute the mark of a belief system. This book invites international lawyers to temporarily suspend some of their understandings about the fundamental doctrines they adhere to in their professional activities. It aims to provide readers with new tools to reinvent the thinking about international law and combines theory and practice to offer insights that are valuable for both theorists and practitioners.
This title sets the most significant international law cases in their social, political, and historical context. It showcases 13 essays by leading international law experts. The essays are organized in three groupings: stories about the development of international human rights law, stories about the use of international law in the U.S. legal system, and stories about international law's impact on interstate politics and the global economy. Experienced international law scholars, teachers, and practitioners will discover valuable new insights, and readers new to international law will find that the book quickly immerses them in the most significant developments in the field.
"This fully-updated third edition provides a comprehensive survey of public international law, with useful references throughout to current events, classic and contemporary cases and scholarship. It is designed as a stand-alone text or as a complement to all the major casebooks on the topic. The first part of the book addresses how international law is created, interpreted and enforced; the second part focuses on the interface of international law and national law; and the final part covers key subject matter areas: human rights, injury to aliens, the law of the sea, international environmental law, international criminal law, and the use of force."--publisher website.
Written by some of the leading International Law scholars in the nation, this casebook employs a unique problem-based approach to examining international issues. Using real life teaching problems, the text explores the processes of international lawmaking with an interdisciplinary approach that goes beyond mere doctrinal explanation. The Fourth Edition includes new court decisions and expanded coverage of international crises. With comprehensive and well-balanced coverage, this casebook provides a captivating context in which students can define and understand contemporary international law.
International Law: Norms, Actors, Process: A Problem-Oriented Approach , now in its Third Edition , uses an interdisciplinary approach and real-world problems to illustrate the law in action and encourage students to think more deeply about global
This collection studies the contribution of non-state actors to international obligations. Chapters by academics and practitioners address the role that these actors play in the sources of obligations, their implementation, human rights aspects, dispute settlement, responsibility and legal accountability.