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Netherlands Yearbook of International Law 2015 Maarten den Heijer, Harmen van der Wilt, 2016-08-04 Jus cogens is a formidable yet elusive concept of international law. Since its incorporation in the Vienna Convention on the Law of Treaties some 35 years ago it has made tentative inroads into international legal practice. But its role in international law is arguably less prominent than might have been expected on the basis of its powerful potential and in view of wider developments in international law that call for constitutionalisation and hierarchy including the processes of fragmentation and humanization. This volume of the Netherlands Yearbook of International Law sets out to clarify the concepts and doctrines relevant to jus cogens and to sharpen the debate on its theoretical foundations functions and legal effects. To that purpose the volume brings together contributions on the genesis and function of jus cogens on the application of jus cogens in specialised areas of international law and on its enforcement and legal consequences. Together they reinforce the understanding of jus cogens as a hierarchical concept of international law and shed light on its potential for further development.

Universal Civil Jurisdiction Serena Forlati, Pietro

Franzina,2020-10-12 Enabling the victims of international crimes to obtain reparation is crucial to fighting impunity In Universal Civil Jurisdiction Which Way Forward experts of public and private international law discuss one of the key challenges that victims face namely access to justice Civil courts in the country where the crime was committed may be biased or otherwise unwilling or unable to hear the case Are the courts of other countries permitted or required to rule on the victim s claim Trends at the international and the domestic level after the Na t Liman judgment of the European Court of Human Rights offer a nuanced answer suggesting that civil jurisdiction is not only concerned with sovereignty but is also a tool for the governance of global problems *Yearbook on International Investment Law & Policy 2014-2015* Andrea K. Bjorklund,2016-09-30 Several themes emerge in this 2014 2015 edition of the Yearbook The first is a notable focus on country and region specific developments Different articles focus on key developments in such countries as Australia Brazil China Ghana India Indonesia Russia and South Africa Others focus on regional innovations in particular in Latin America A second area of attention is reform and proposals for reform in investor state dispute settlement and in investment law generally The third theme is the continued concern about states regulatory autonomy and the importance of their retaining ability to protect the interests of their nationals A fourth theme concerns the continued contribution that investment arbitration makes to the development of international law and the influence that it is starting to have on other areas of law whether that is as a source of inspiration in the interpretation of other norms or as a source of potentially powerful persuasive authority given the teeth that investment law has with respect to enforcement Included are the winning memorials of the FDI Moot for both 2014 and 2015 In 2014 a team from the University of Ottawa submitted the winning claimant s memorial while students from Harvard Law School submitted the winning respondent s memorial In 2015 Harvard repeated its stellar performance again winning best respondent s memorial The winning claimant s memorial in 2015 was submitted by students from the National and Kapodistrian University of Athens These excellent memorials reveal once again the growing interest of students in international investment law and demonstrate a striving for excellence and an enthusiasm for grappling with intellectually challenging issues , *Justice in Private Law* Peter Jaffey,2023-08-24 This book discusses the dominant corrective justice and distributive justice approaches to private law and identifies their strengths and weaknesses It goes on to propose a general approach to private law including contract tort and private property and explains how it can provide solutions to some longstanding problems Two general ideas inform this approach the standpoint limitation and remedial consistency The standpoint limitation explains the distinctive character of private law that is to say why it is focussed mainly though not exclusively on particular individual interests rather than the common welfare Remedial consistency explains the way in which remedies depend on and give effect to primary rights The book also discusses the nature of common law legal reasoning and its relationship to the suggested understanding of private law *Tort Law* Kirsty Horsey,Erika Rackley,2019 This best selling undergraduate textbook from leading academics Kirsty Horsey Erika Rackley

gives a comprehensive grounding in tort law and carefully chosen learning features help students to become engaged and critical thinkers This lively and though provoking account allows students to understand rather than simply learn the law The problem questions in each chapter help students to understand how the law works in its practical context and to begin to consider potential issues and debates Carefully chosen features such as counterpoint and pause for reflection boxes enable students to think more deeply and critically about the law Online resources The text is accompanied by extensive online resources which include Downloadable annotated judgments statutes and problem questions Outline answers to questions in the book Annotated web links to external web resources and videos Flashcard glossary of legal terms used in the book Additional content on elements of a claim in the tort of negligence and on product liability Test bank of 200 questions and answers for lecturers use in assessing students

The Human Rights Council Damian Etone, 2020-01-27 This book examines the engagement of African states with the United Nations Human Rights Council's Universal Periodic Review UPR mechanism This human rights mechanism is known for its pacific and non confrontational approach to monitoring state human rights implementation Coming at the end of the first three cycles of the UPR the work offers a detailed analysis of the effectiveness of African states engagement and its potential impact It develops a framework which comprehensively evaluates aspects of states UPR engagement such as the pre review national consultation process and implementation of UPR recommendations which until recently have received little attention The book considers the potential for acculturation in engagement with the UPR and unpacks the impact of politics regionalism cultural relativism rights ritualism and civil society The work provides a useful guide for policymakers and international human rights law practitioners as well as a valuable resource for international legal and international relations academics and researchers

The UN Convention on the Rights of Persons with Disabilities Ilias Bantekas, Michael Ashley Stein, Dimitris Anastasiou, 2018-10-25 This treatise is a detailed article by article examination of the United Nations Convention on the Rights of Persons with Disabilities CRPD Each article of the CRPD contains a methodical analysis of the preparatory works followed by an exhaustive examination of the contents of each article based on case law and concluding observations from the CRPD Committee judgments from national and international courts and tribunals pertinent UN and other reports the key literature on the article under review The volume features commentary from a broad range of scholars across a variety of disciplines in order to provide a comprehensive study of the legal psychological education sociological and other aspects of the CPRD This encyclopaedic commentary on the CRPD effectively covers all the issues arising from international disability law and practice and will be an ideal resource for all working in the field

Changing the Law Commonwealth Secretariat, 2017-11-30 Changing the Law A Practical Guide to Law Reform is designed to provide practical assistance to users seeking to deliver high standard law reform outcomes Using examples and experience from around the Commonwealth and beyond it guides users through each phase of a successful reform from initiation to final implementation

The Oxford Handbook of International Criminal Law Darryl

Robinson,2020-02-24 In the past twenty years international criminal law has become one of the main areas of international legal scholarship and practice Most textbooks in the field describe the evolution of international criminal tribunals the elements of the core international crimes the applicable modes of liability and defences and the role of states in prosecuting international crimes The Oxford Handbook of International Criminal Law however takes a theoretically informed and refreshingly critical look at the most controversial issues in international criminal law challenging prevailing practices orthodoxies and received wisdoms Some of the contributions to the Handbook come from scholars within the field but many come from outside of international criminal law or indeed from outside law itself The chapters are grounded in history geography philosophy and international relations The result is a Handbook that expands the discipline and should fundamentally alter how international criminal law is understood

Sustainable Development Law Marie-Claire Cordonier Segger,Damilola S. Olawuyi,2025-05-18 Hundreds of new bilateral regional and global treaties have been negotiated in relation to the world's most pressing sustainability development and justice challenges over the past two decades The majority of these face significant implementation challenges At the same time disputes over human rights environmental protection and economic development are increasingly common Sustainable Development Law analyses these advances and challenges in the international law on sustainable development at the intersection between international social environmental and economic law It opens by examining the origins of the concept of sustainable development identifying and discussing the foundations of its legal aspects The principles of international law related to sustainable development are considered based on international instruments and disputes across international courts and tribunals Later chapters provide illustrative examples of legal instruments and regimes that address the 169 targets in relation to the 17 Global Sustainable Development Goals Finally the authors propose cutting edge research agendas and conclude by exploring the limits of sustainable development Sustainable Development Law is designed as a high level textbook examining the nature of law of sustainable development Chapters offer key takeaways and questions to consider for those studying the subject It also would be suitable for practising lawyers and policy makers who want to develop their understanding of the subject area

Hermeneutics Jens Zimmermann,2015 This Very Short Introduction to hermeneutics demonstrates the central role of interpretation in our daily lives By considering the historic developments in hermeneutic theory as well as its contemporary relevance Zimmermann explains how humans continue to draw knowledge from the world around them

The Future of Cross-Border Insolvency Irit Mevorach,2018-03-01 A fresh and insightful guide to post financial crisis cross border insolvency this book interrogates the current regime and sets out a framework for improving its future In recent decades and especially since the global financial crisis a number of important initiatives have focused on developing the mechanisms for managing the insolvency of multinational enterprises and financial institutions The book considers the effectiveness of the current system and identifies the gaps that could be bridged by adopting certain strategies and tools to improve the system further

The book first discusses the theoretical debate regarding cross border insolvency and surveys the strengths and weaknesses of the prevailing method modified universalism in its application to both commercial entities and financial institutions consequently identifying a single set of emerging norms The book argues that adhering to these norms more robustly would enhance global welfare and produce the best outcomes for businesses and institutions By drawing upon sources from international law as well as behavioural and economic theory the book offers a blueprint for meeting the demands of future cross border insolvencies It considers how to translate modified universalism into binding international law and how to choose the right instrument for cross border insolvency as well as the impact that instrument design has on decisions and choices It explores how to encourage compliance and proposes mechanisms that could potentially overcome or at least take into account behavioural biases in decision making International organisations, non-State actors, and the formation of customary international law Sufyan Droubi, Jean d'Aspremont, 2020-12-08 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 **The IMLI Treatise On Global Ocean Governance** David Joseph Attard, Malgosia Fitzmaurice, Alexandros Ntovas, 2018-07-11 The 1982 United Nations Convention on the Law of the Sea UNCLOS remains the cornerstone of global ocean governance However it lacks effective provisions or mechanisms to ensure that all ocean space and related problems are dealt with holistically With seemingly no opportunity for revision due to the Convention's burdensome amendment provisions complementary mechanisms dealing with such aspects of global ocean governance including maritime transport fisheries and marine environmental sustainability have been developed under the aegis of the United Nations and other relevant international organizations This approach is inherently fragmented and unable to achieve sustainable global ocean governance In light of the Sustainable Development Goals SDGs particularly Goal 14 the IMLI Treatise proposes a new paradigm on the basis of integrated and cross sectoral approach in order to realise a more effective and sustainable governance regime for the oceans This volume focuses on the role of the UN Specialized Agencies towards the development of effective and sustainable ocean governance by looking at the more elaborate mechanisms they developed in order to achieve the desired objectives laid down in UNCLOS From FAO to UNODC the volume examines how

they ensure sustainable development and how much coordination exists among them

Integrating New Technologies in International Business Gurinder Singh, Alka Maurya, Richa Goel, 2022-03-09 The international business sector has been completely revolutionized due to shifts in global economy digitization and the Internet Integrating New Technologies in International Business Opportunities and Challenges explores the rapid changes in technology that have affected businesses and social environments that are offering new challenges and opportunities for small to mid size enterprises SMEs and start ups It highlights how businesses in emerging economies are implementing the new technological innovations to compete in the global market The chapters in the volume provide valuable insight on many cutting edge topics on new technology in the business environment and the new digital world or Industry 4 0 including Internet of Things IoT and customer relationship management Cross cultural management Artificial intelligence Social media advertising Multichannel banking Digital payment technology Blockchain technology Augmented reality Eye tracking analysis This book will be a valuable resource for business leaders and managers industry professionals business scholars regulatory stakeholders policymakers faculty and students and those who are interested in the current trends in the state of global digitization in industrial markets The information provided here will help readers find the most appropriate approaches for taking advantage of these new technologies

The Protection against Unfair Competition in the WTO TRIPS Agreement Christian Riffel, 2016-06-10 In The Protection Against Unfair Competition in the WTO TRIPS Agreement Christian Riffel offers an account of the potential which Article 10bis of the Paris Convention has for the world trading system In particular the author explores what hard law obligations emerge and examines a possible application to unsettled issues such as core labour standards and traditional knowledge Article 10bis embodies unfair competition law in a nutshell The TRIPS Agreement incorporates this Article into the World Trade Organization thus making unfair competition law a discipline of international trade law By providing an effective enforcement mechanism against unfair competition the WTO upholds honest practices in the course of trade alleviating enforcement deficits in other areas of international law

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