

Sixth Edition

INTERNATIONAL LAW



MALCOLM N. SHAW

CAMBRIDGE

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Legal Personality in International Law Roland Portmann, 2010-08-26 Several international legal issues are related to the concept of legal personality including the determination of international rights and duties of non state actors and the legal capacities of transnational institutions When addressing these issues different understandings of legal personality are employed These concepts consider different entities to be international persons state different criteria for becoming one and attach different consequences to being one In this book Roland Portmann systematizes the different positions on international personality by spelling out the assumptions on which they rest and examining how they were substantiated in legal practice He puts forward the argument that positions on international personality which strongly emphasize the role of states or effective actors rely on assumptions that have been discarded in present international law The principal argument is that international law has to be conceived as an open system wherein there is no presumption for or against certain entities enjoying international personality

International Law Dejo Olowu, 2010-01-07 International Law A Textbook for the South Pacific is an introductory textbook for students and practitioners of international law It provides a concise and clear introduction to the subject from the perspective of the South Pacific This textbook takes advantage of Professor Olowu s unique experience as a lawyer trained at universities in Africa North America and Europe and having taught international law in the South Pacific Few academics can claim his breadth and depth of expertise concerning in international law in diverse geographical and cultural contexts This textbook introduces the most important aspects of public international law in a clear and authoritative manner

International Law Malcolm N. Shaw, 2014-09-18 The definitive textbook on international law updated to reflect all case law and treaty developments

An Evolutionary Paradigm for International Law J. Gillroy, 2013-12-05 The book transcends conventional social scientific method political theory and its understanding of global governance to make the study of the philosophical essence of the international legal system fully accessible

International and Foreign Legal Research Marci Hoffman, Mary Rumsey, 2012-10-01 A special course adoption price is available for an order of six or more copies from a university bookstore Contact sales us brill com sales us brill com or sales nl brill com International and Foreign Legal Research A Coursebook by Marci Hoffman and Mary Rumsey now in a second revised edition is designed for classes in foreign and international legal research Following a general section on basic concepts topics covered in the book range from treaty research to chapters on particular subjects of international law Coverage also includes chapters on researching foreign and comparative law as well as major international organizations including the UN and the EU International and Foreign Legal Research offers a possible roadmap for structuring a class in international and foreign legal research while also serving as a tool for quick look ups when a researcher requires direction on a topic or information on a source Developed for use in legal research courses International and Foreign Legal Research is an invaluable resource for librarians students law professors and other researchers in the research of foreign and

international law **Law of International Trade in the Region of the Caucasus, Central Asia and Russia** Alexander Trunk, Azar Aliyev, Marina Trunk-Fedorova, 2022-12-12 Situated between Europe and the borders of China the Eurasian region is seldom studied from an overall legal perspective The book gives a first time structured overview of trade related aspects of international economic law comparative commercial law and dispute resolution in this region focused on the countries in the Southern Caucasus Central Asia as well as Russia It also addresses the Eurasian Economic Union Law of International Trade in the Region of the Caucasus Central Asia and Russia approaches international trade law with a combined public international law and comparative private law perspective taking into account the global and European context European Competition Law Annual 2011 Philip Lowe, Mel Marquis, 2014-11-01 This volume contains papers presented at the 16th Annual EU Competition Law and Policy Workshop held at the European University Institute on 17 18 June 2011 This edition of the Workshop examined the emerging and increasingly important use of private rights of action before national courts and the prospects for legislation and soft law initiatives at the level of the EU The book has been updated and reflects the European Commission's private enforcement package of June 2013 Furthermore the experiences of various national jurisdictions are discussed both within Europe and in the US and Canada As a whole the volume explores how public and private enforcement might function harmoniously as an integrated system to promote the public interest while ensuring that individual rights created in this field by the EU competition rules are vindicated The contributors have however devoted significant analysis to the tensions between those two modes of enforcement Authors contributing to this book include Enno Ahlenstiel Donald Baker Jochen Burrichter Horst Butz Scott Campbell Brian Facey Tristan Feunteun Ian Forrester Andrew Foster Andrew Gavil Barry Hawk James Keyte Assimakis Komninos Bruno Lasserre Frédéric Louis Mel Marquis Veljko Milutinovic Luis Silva Morais Tom Ottervanger Silvia Pietrini Mark Powell John Ratliff J Thomas Rosch David Rosner Mario Siragusa James Venit **Shareholders' Claims for Reflective Loss in International Investment Law** Lukas Vanhonnaeker, 2020-07-16 In recent years investor state tribunals have often permitted shareholders claims for reflective loss despite the well established principle of no reflective loss applied consistently in domestic regimes and in other fields of international law Investment tribunals have justified their decisions by relying on definitions of investment in investment agreements that often include shares while the no reflective loss principle is generally justified on the basis of policy considerations pertaining to the preservation of the efficiency of the adjudicatory process and to the protection of other stakeholders such as creditors Although these policy considerations militating for the prohibition of shareholders claims for reflective loss also apply in investor state arbitration they are curable in that context and must be balanced with policy considerations specific to the field of international investment law that weigh in favor of such claims the protection of foreign investors in order to promote trade and investment liberalization **Law in the Time of Oxymora** Rostam J. Neuwirth, 2018-05-16 What do different concepts like true lie bad luck honest thief old news spacetime globalization

simplexity sustainable development constant change soft law substantive due process pure law bureaucratic efficiency and global justice have in common What connections do they share with innumerable paradoxes like the ones of happiness time globalization sex and of free will and fate Law in the Time of Oxymora provides answers to these conundrums by critically comparing the apparent rise in recent years of the use of rhetorical figures called essentially oxymoronic concepts i e oxymoron enantiosis and paradoxes in the areas of art science and law Albeit to varying degrees these concepts share the quality of giving expression to apparent contradictions Through this quality they also challenge the scientific paradigm rooted in the dualistic thinking and binary logic that is traditionally used in the West as opposed to the East where a paradoxical mode of thinking and fuzzy logic is said to have been cultivated Following a review of oxymora and paradoxes in art and various scientific writings hundreds of hard cases featuring oxymora and a comprehensive review of the legal literature are discussed revealing evidence suggesting that the present scientific paradigm of dualism alone will no longer be able to tackle the challenges arising from increasing diversity and complexity coupled with an apparent acceleration of change Law in the Time of Oxymora reaches the surprising conclusion that essentially oxymoronic concepts may inaugurate a new era of cognition involving the ways the senses interact and how we reason think and make decisions in law and in life

LexIslamica Series - Book 1 - Islamic Law for the New Millennium Imran Ahsan Khan Nyazee, M. Ibrahim Abdullah Khan Nyazee, 2019-09-19 The present book is a small introduction to the larger work to be published in small volumes but as part of a series The book visualizes modern Islamic law as the common law of all Muslims a law that exists at the global level and is concerned with issues that may be found within individual states For the details this book is to be read It has intentionally been kept very concise and brief Rapid changes in the world in the last few decades have now created an opportunity for Islamic law to rise again This rise of Islamic law for the new millennium will not be through the coercive power of a modern state or even through physical domination It will come about through the rise of the Muslim Ummah meeting participating and collaborating through cyberspace for the benefit and service of all humanity This small book outlines and explains this dynamic framework that heralds the revival and development of this law with the help of a new methodology that has been left as a heritage by the ancestors

Annuaire Canadien de Droit International John H. Currie, Ren Provost, 2014-03-01 This is the fiftieth volume of The Canadian Yearbook of International Law The contents of this special anniversary edition reflect the diversity of Canadian and international thought opinion and practice on current problems of international law Included are a retrospective examination of Canadian approaches and contributions to international law during the Yearbook's first fifty years as well as cutting edge analyses and commentary on a wide range of issues such as the use of battlefield biometrics the cultural dimensions of sustainable development Omar Khadr's combatancy and child soldier status and immunities for gross violations of international human rights

Revolution, State Succession, International Treaties and the Diaoyu/Diaoyutai Islands Tseng Hui-Yi, 2017-05-11 Dynamism in Sino Japanese relations of which the Diaoyu

Diaoyutai Islands dispute constitutes a major part has greatly overshadowed not only prospects of positive collaboration between China and Japan but also regional order in East Asia On the surface the essence of the dispute focused on sovereignty which entails competition for maritime resources development and strategic access to the adjacent waters as a critical transportation and military route What lies at the crux however is the conflict between different sets of values which lead and shape their interpretations of international treaties changes of governments and impacts of this upon these Asian states attitudes toward how sovereignty and territory should be understood in contemporary Asia The Diaoyu Diaoyutai Islands dispute has lapsed into dormancy since intense discussions in the period from 2010 to 2012 However the disagreement is far from being resolved This book draws on structural issues underlying the on going dispute along with the concomitant multifaceted challenges that need to be investigated At a juncture when the prospect of the Sino Japanese relations remains gloomy this book provides conceptual and practical insights invaluable to the field of law history and politics shedding light on the refinement of relevant international law and rules of engagement in a normative sense The International Response to Somali Piracy Bibi van Ginkel, Frans-Paul van der Putten, 2010-09-24 The recent surge in piracy attacks off the coast of Somalia has triggered an international response which is unprecedented in terms of the number of actors involved The International Response to Somali Piracy presents a comprehensive treatment of the international response to Somali piracy exploring current initiatives to counter the piracy threat both operationally and legally Moreover the book analyzes the regional and broader international context within which these initiatives are taken and identifies the challenges and opportunities for international cooperation on fighting piracy at sea This volume brings together experts from a great variety of different backgrounds and disciplines **International Criminal Justice** Gideon Boas, Pascale Chifflet, 2017-04-28 This book explores crucial themes in international criminal justice It starts by answering the searching question what is international criminal justice The book then considers the role and impact of politics history psychology terrorism transitioning society and even the idea of hope and the relationship of these themes with how we understand international criminal justice While addressing some crucial legal questions International Criminal Justice goes further drawing on a range of multi disciplinary thinking **The Iran-UAE Gulf Islands Dispute** Charles L.O. Buder, Luciana T. Ricart, 2018-05-15 In The Iran UAE Gulf Islands Dispute Charles Buder and Luciana Ricart take the reader on a journey through centuries of Gulf history and evolving principles of international law on territorial disputes to reach conclusions over the rightful sovereign of three Gulf islands Abu Musa and the Tunbs claimed by both Iran and the United Arab Emirates Drawing on a wide range of scholarly works and archival documents from sources as diverse as the Dutch East India Company the Ottoman Empire and the British Government Buder and Ricart analyze historical events from antiquity up to modern times Ultimately the authors reach conclusions on the ownership of the islands under international law which challenge the positions of both parties National Space Law in China Yun Zhao, 2015-02-04 China has made rapid

developments in space technologies and space activities in the last few years however it still lags behind in the legal arena In order to provide guidelines for and promote further development of space activities China should speed up its national space legislation process In *National Space Law in China* Yun Zhao offers a comprehensive study of national space laws regulations and policies in China It contains rich information and materials of China's space law and practice As the first English monograph on national legislation on space law in China this book shall contribute to the understanding of China's current legal regime for space activities and future national space legislation

Theories and Practices of Compliance with WTO Law Yen Kong Ngangjoh Hodu, 2012-08-01 Compliance with international institutional norms is often conceived as a yardstick with which to test the effectiveness of international law However the ongoing failure of the WTO regime to elicit compliance with its agreements has led many legal theorists to reject this view in favour of a realism that describes an international system void of any authority to enforce rules in which egoistic states calculate their own interests in light of the existing distribution of power An institutionalist riposte which insists on the capability of states to come together nonetheless to make binding rules that will determine their behaviour vis vis each other of necessity focuses on developing enforceable remedies when rules are not complied with Confronting this stark and apparently intractable situation this book applies social science theories to the question as to why nation states comply or do not comply with international trade law obligations The author examines various theories of compliance in the context of world trade law and discusses ways in which a much more robust compliance with global trade rules may be ensured In the course of the analysis numerous germane issues arise including the following the stalemate in the WTO judicial and political process third party rights and WTO Law compliance the role of arbitrators in determining reasonable period of time contract theory reputation costs good faith obligations required by pacta sunt servanda imposing remedies collectively multilateral enforcement of DSB findings and early determination of injuries once nullification and impairment have been established The author's approach leads not only to a new understanding of the function of the WTO as a legal system but also to well grounded recommendations concerning remedies that address the issue of continuous breach of legal duties in the WTO This is a timely and accessible analysis of an increasingly important aspect of the interface of international trade law and economics It will undoubtedly lead to a deeper debate and accelerate the inevitability of effective practical action Policymakers practitioners and academics in different fields of social sciences will appreciate its forward looking perspective in identifying the issues that are now assuming centre stage in international economic law

Rewriting Histories of the Use of Force Agatha Verdebout, 2021-09-23 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. *Human Rights and Power in Times of Globalisation* Ekaterina Yahyaoui Krivenko, 2017-12-18 How does globalisation affect the ability of human rights to constrain power? This is the central question of this volume that tackles the issue from a variety of perspectives. It covers such branches of international law and human rights as diplomatic protection, powers of the UN Security Council, responsibility of international organisations, accountability of multinational corporations, third generation rights, law of armed conflict and state sovereignty. The contributions problematize the role of human rights and call for rethinking of the structure and functioning of human rights. The contributions adopt a variety of disciplinary perspectives that all elucidate difficulties human rights face in a globalised world and suggest ways forward.

Understanding International Law through Moot Courts Henry F. Carey, Stacey M. Mitchell, 2014-03-06 Understanding International Law through Moot Courts: Genocide, Torture, Habeas Corpus, Chemical Weapons and the Responsibility to Protect consists of five sets of opposing legal briefs and judges' decisions for five moot court cases held before the International Court of Justice and the International Criminal Court. Each moot court brief included in the book addresses contemporary controversies in international affairs, issues ranging from the application of the newly emerging Responsibility to Protect (R2P) doctrine to the torture of detainees to the derogation from international due process protections. These moot court briefs and case judgments help students formulate legal arguments that will be applicable to other similar cases. They also provide students with excellent sources of international and domestic law as well as greater comprehension of topics ranging from jurisdictional disputes to matters of evidence. Chapter 1 of the book provides an overview of the book as well as instructions regarding the construction of a moot court. Chapter two by George Andreopoulos discusses the interrelationship between human rights and international criminal law. Chapters 3 through 7 are the cases. The introduction to each chapter and subsequently each case lays out the facts of the case in question, discusses where applicable issues associated with the material and contextual elements of the crimes in question, provides additional topics for classroom discussion and also places the issues of contention between the parties within the broader context of foreign affairs and international relations. After each set of briefs and legal judgments is an appendix which includes an example moot court as well as an appendix that includes a set of alterable facts that students and faculty could adopt to change the general legal argument of the particular case.

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Table of Contents Malcolm Shaw International Law 6th Edition

1. Understanding the eBook Malcolm Shaw International Law 6th Edition
 - The Rise of Digital Reading Malcolm Shaw International Law 6th Edition
 - Advantages of eBooks Over Traditional Books
2. Identifying Malcolm Shaw International Law 6th Edition
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Malcolm Shaw International Law 6th Edition
 - User-Friendly Interface
4. Exploring eBook Recommendations from Malcolm Shaw International Law 6th Edition
 - Personalized Recommendations
 - Malcolm Shaw International Law 6th Edition User Reviews and Ratings
 - Malcolm Shaw International Law 6th Edition and Bestseller Lists
5. Accessing Malcolm Shaw International Law 6th Edition Free and Paid eBooks

- Malcolm Shaw International Law 6th Edition Public Domain eBooks
 - Malcolm Shaw International Law 6th Edition eBook Subscription Services
 - Malcolm Shaw International Law 6th Edition Budget-Friendly Options
6. Navigating Malcolm Shaw International Law 6th Edition eBook Formats
 - ePub, PDF, MOBI, and More
 - Malcolm Shaw International Law 6th Edition Compatibility with Devices
 - Malcolm Shaw International Law 6th Edition Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Malcolm Shaw International Law 6th Edition
 - Highlighting and Note-Taking Malcolm Shaw International Law 6th Edition
 - Interactive Elements Malcolm Shaw International Law 6th Edition
 8. Staying Engaged with Malcolm Shaw International Law 6th Edition
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Malcolm Shaw International Law 6th Edition
 9. Balancing eBooks and Physical Books Malcolm Shaw International Law 6th Edition
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Malcolm Shaw International Law 6th Edition
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Malcolm Shaw International Law 6th Edition
 - Setting Reading Goals Malcolm Shaw International Law 6th Edition
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Malcolm Shaw International Law 6th Edition
 - Fact-Checking eBook Content of Malcolm Shaw International Law 6th Edition
 - Distinguishing Credible Sources
 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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