

Diplomatic Law Commentary On The Vienna Convention On Diplomatic Relations Oxford Commentaries On International Law

The International Court of Justice (in French, the Cour internationale de justice), also commonly known as the World Court or ICJ, is the oldest, most important and most famous judicial arm of the United Nations. Established by the United Nations Charter in 1945 and based in the Peace Palace in the Hague, the primary function of the Court is to adjudicate in disputes brought before it by states, and to provide authoritative, influential advisory opinions on matters referred to it by various international organisations, agencies and the UN General Assembly. This new work, by a leading academic authority on international law who also appears as an advocate before the Court, examines the Statute of the Court, its procedures, conventions and practices, in a way that will provide invaluable assistance to all international lawyers. The book covers matters such as: the composition of the Court and elections, the office and role of ad hoc judges, the significance of the occasional use of smaller Chambers, jurisdiction, the law applied, preliminary objections, the range of contentious disputes which may be submitted to the Court, the status of advisory opinions, relationship to the Security Council, applications to intervene, the status of judgments and remedies. Referring to a wealth of primary and secondary sources, this work provides international lawyers with a readable, comprehensive and authoritative work of reference which will greatly enhance understanding and knowledge of the ICJ. The book has been translated and lightly updated from the French original, R Kolb, *La Cour internationale de Justice* (Paris, Pedone, 2013), by Alan Perry, Solicitor of the Senior Courts of England and Wales. Winner of the 2014 American Society of International Law Certificate of Merit for High Technical Craftsmanship and Utility to Practicing Lawyers and Scholars: 'Robert Kolb's International Court of Justice provides a magisterial, lucid study of its subject. The breadth and depth of the treatment are impressive: Kolb takes the reader from the history of the Court, to its role in international society, to the more technical questions concerning its composition, powers and procedures, to the development of its jurisprudence, and to its future. The finely grained discussion provides much more than a mere survey of the Court's constitutive instruments and decisions. It engages the Court as an institution and asks how it actually operates, and secures efficacy and authority in doing so. The book's careful and detailed coverage of the Court's legal framework and operation will benefit practitioners and scholars alike. There is no doubt that Kolb's volume immediately takes a place among the authoritative references on the Court.' ASIL Book Awards Committee

The rights of indigenous peoples under international law have seen significant change in recent years, as various international bodies have attempted to address the question of how best to protect and enforce their rights. The United Nations Declaration on the Rights of Indigenous Peoples is the strongest statement thus far by the international community on this issue. The Declaration was adopted by the United Nations on 13 September 2007, and sets out the individual and collective rights of indigenous peoples, as well as their rights to culture, identity, language, employment, health, education, and other issues. While it is not a legally binding instrument under international law, it represents the development of international legal norms designed to eliminate human rights violations against indigenous peoples, and to help them in combating discrimination and marginalisation. This comprehensive commentary on the Declaration analyses in detail both the substantive content of the Declaration and the position of the Declaration within existing international law. It considers the background to the text of every Article of the Declaration, including the travaux préparatoire, the relevant drafting history, and the context in which the provision came to be included in the Declaration. It sets out each provision's content, interpretation, its relationship with other principles of international law, and its legal status. It also discusses the significance and outlook for each of the rights analysed. The book assesses the practice of relevant regional and international bodies in enforcing the rights of indigenous peoples, providing an understanding of the practical application of the Declaration's principles. It is an indispensable resource for scholars, students, international organisations, and NGOs working on the rights of indigenous peoples

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This book provides an authoritative account of the evolution and application of private international law principles in India in civil commercial and family matters. Through a structured evaluation of the legislative and judicial decisions, the authors examine the private international law in the Republic and whether it conforms to international standards and best practices as adopted in major jurisdictions such as the European Union, the United Kingdom, the United States, India's BRICS partners - Brazil, Russia, China and South Africa and other common law systems such as Australia, Canada, New Zealand, and Nepal. Divided into 13 chapters, the book provides a contextualised understanding of legal transformation on key aspects of the Indian conflict-of-law rules on jurisdiction, applicable law and the recognition and enforcement of foreign judgments or arbitral awards. Particularly fascinating in this regard is the discussion and focus on both traditional and contemporary areas of private international law, including marriage, divorce, contractual concerns, the fourth industrial revolution, product liability, e-commerce, intellectual property, child custody, surrogacy and the complicated interface of 'Sharia' in the conflict-of-law framework. The book deliberates the nuanced perspective of endorsing the Hague Conference on Private International Law instruments favouring enhanced uniformity and predictability in matters of choice of court, applicable law and the recognition and enforcement of foreign judgments. The book's international and comparative focus makes it eminently resourceful for legislators, the judges of Indian courts and other interested parties such as lawyers and litigants when they are confronted with cross-border disputes that involve an examination of India's private international law. The book also provides a comprehensive understanding of Indian private international law, which will be useful for academics and researchers looking for an in-depth discussion on the subject.

The 1969 and 1986 Vienna Conventions on the Law of Treaties are essential components of the contemporary international legal order. They aim at regulating what has become the main source of public international law and a crucial tool in inter-state relations. The Vienna Conventions codify to a significant extent the customary rules that pre-existed in the field, but also put forward innovative concepts, such as jus cogens. In spite of their importance, these two instruments had so far not been the object of a detailed commentary. These volumes fill that gap, by providing both international and national lawyers with an in-depth analysis of each provision of both Conventions. The structure of each commentary is essentially uniform, with the first part dedicated to the exposition of that provision's object and purpose and to the assessment of its customary status. The second part of each commentary deals with the main issues of interpretation raised by the provision in question. Extensive reference is made to the travaux préparatoires of both Conventions, including the work of the UN International Law Commission and the proceedings of the 1969 and 1986 diplomatic conferences, and to practice both prior to and following the adoption of the Conventions. The 90+ authors who contributed to the book come from twenty different countries and include some of the most respected experts in international law.

The United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses plays a crucial role in protecting and managing international watercourses and other sources of fresh water. Boisson de Chazournes, Mbengue, Tignino, and Sangbana head a team of experts in this Commentary, examining the travaux préparatoires leading to the Convention and the practice that has developed since the adoption of the Convention in 1997. Tackling the rationale and objectives of the provisions, they offer crucial insights to the Convention's impact on the development of a universal regime for shared water resources. Examining cross-cutting topics such as the core water principles, the prevention and settlement of water disputes, the relationship between the Convention and other legal instruments, as well as the role of the ICJ and other judicial means to solve water disputes, this book is crucial to all those who seek a deep understanding of water law.

Drawing together key documents, case law, reports and other essential materials, International Humanitarian Law offers students, lecturers and practitioners an accessible and critically informed account of the theory, law and practice of international humanitarian law. Providing comprehensive, thematic and targeted coverage of national and international cases and materials, this book successfully balances

doctrine with practical application to help students understand how the theories are applied in practice and navigate through jurisprudence with ease. Employing a critical and targeted commentary throughout, this book also helps students to better understand the implications of the law and the challenges facing international humanitarian law today including: cyber war, detention, direct participation in hostilities, human rights in armed conflict and terrorism. Suitable for advanced undergraduate and postgraduate students and practitioners, International Humanitarian Law offers a thematic and comprehensive treatment of the subject.

The fight against impunity has become a growing concern of the international community. Updated in 2005, the UN Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity is the fruit of several years of study, developed under the aegis of the UN Commission on Human Rights and then affirmed by the Human Rights Council. These Principles are today widely accepted as constituting an authoritative reference point for efforts in the fight against impunity for gross human rights abuses and serious violations of international humanitarian law. As a comprehensive attempt to codify universal accountability norms, the UN Set of Principles marks a significant step forward in the debate on the obligation of states to combat impunity in its various forms. Bringing together leading experts in the field, this volume provides comprehensive academic commentary of the 38 principles. The book is a perfect companion to the document, setting out the text of the Principles alongside detailed analysis, as well as a full introduction and a guide to the relevant literature and case law. The commentary advances debates and clarifies complex legal issues, making it an essential resource for legal academics, students, and practitioners working in fields such as human rights, international criminal law, and transitional justice.

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.

First published in 1961, Consular Law and Practice is a classic work of enormous interest and practical use to diplomats, consuls, and international lawyers. The second edition of this work is now thoroughly revised and updated, and covers the historical evolution of the subject, the Vienna Convention, general laws of consular relations, the traditional and changing role of consuls, diplomatic privileges and immunities, and the function of consuls as ambassadors in cultural and scientific exchange.

This Oxford Commentary is the first comprehensive article-by-article analysis of the provisions of the Convention on the Elimination of All Forms of Racial Discrimination. It discusses the conceptual and instrumental framework of the Convention and the CERD Committee, and addresses some of the critical challenges confronting the Convention.

The four Geneva Conventions, adopted in 1949, remain the fundamental basis of contemporary international humanitarian law. They protect the wounded and sick on the battlefield, those wounded, sick or shipwrecked at sea, prisoners of war, and civilians in time of war. However, since they were adopted warfare has changed considerably. In this groundbreaking commentary over sixty international law experts investigate the application of the Geneva Conventions and explain how they should be interpreted today. It places the Conventions in the light of the developing obligations imposed by international law on states, armed groups, and individuals, most notably through international human rights law and international criminal law. The context in which the Conventions are to be applied and interpreted has changed considerably since they were first written. The borderline between international and non-international armed conflicts is not as clear-cut as was once thought, and is complicated further by the use of armed force mandated by the United Nations and the complex mixed and transnational nature of certain non-international armed conflicts. The influence of other developing branches of international law, such as human rights law and refugee law has been considerable. The development of international criminal law has breathed new life into multiple provisions of the Geneva Conventions. This commentary adopts a thematic approach to provide detailed analysis of each key issue dealt with by the Conventions, taking into account both judicial decisions and state practice. Cross-cutting chapters on issues such as transnational conflicts and the geographical scope of the Conventions also give readers a full understanding of the meaning of the Geneva Conventions in their contemporary context. Prepared under the auspices of the Geneva Academy of International Humanitarian Law and Human Rights, this commentary on four of the most important treaties in international law is unmissable for anyone working in or studying situations of armed conflicts.

The 2010 Kampala Amendments to the Rome Statute empowered the International Criminal Court to prosecute the 'supreme crime' under international law: the crime of aggression. This landmark commentary provides the first analysis of the history, theory, legal interpretation and future of the crime of aggression. As well as explaining the positions of the main actors in the negotiations, the authoritative team of leading scholars and practitioners set out exactly how countries have themselves criminalized illegal war-making in domestic law and practice. In light of the anticipated activation of the Court's jurisdiction over this crime in 2017, this work offers, over two volumes, a comprehensive legal analysis of how to understand the material and mental elements of the crime of aggression as defined at Kampala. Alongside *The Travaux Préparatoires of the Crime of Aggression* (Cambridge, 2011), this commentary provides the definitive resource for anyone concerned with the illegal use of force.

Marcelo Kohen and Patrick Dumberry explore in an article-by-article commentary the Resolution adopted in 2015 by the Institute of International Law, on state succession in matters of state responsibility. They analyse the content and scope of application of each provision based on a comprehensive survey of existing state practice and judicial decisions (both domestic and international), as well as taking into account the works of scholars and that of the ILC Special Rapporteur in his proposed Draft Articles on the same topic. This book explains the rationale and the reasons behind why the Institute adopted specific solutions to address particular problems of succession to responsibility for each provision, including the need to achieve a fair outcome given the specific circumstances and relevant factors for each case.

The 1969 Vienna Convention on the Law of Treaties, regulating treaties between States, lies at the heart of international law. This commentary interprets the Conventiona (TM)s 85 articles clearly and precisely. It covers such major topics as reservations to treaties, their interpretation and the grounds for terminating a treaty, for instance breach. Emphasis is placed on the practice of States and tribunals and on academic writings. It contains further sections on customary international law and the Conventiona (TM)s history while providing up-to-date information on ratifications and reservations. This commentary is a must for practitioners and academics wishing to establish the meaning and scope of the provisions of the Vienna Convention on the Law of Treaties.

A new and an essential reference work for any international human rights law academic, student or practitioner, *A Commentary on the International Covenant on Civil and Political Rights* spans all substantive rights of the International Covenant on Civil and Political Rights (ICCPR), as approached from the perspective of the ICCPR as an integrated, coherent scheme of rights protection. In detailed coverage of the Human Rights Committee's output when monitoring ICCPR compliance, Paul M. Taylor offers extraordinary access to forty years of its concluding observations, views and general comments organised thematically. This Commentary is a solid and practical introduction to any and all of the civil and political rights in the ICCPR, and a rare resource explaining the requirements for domestic implementation of

ICCPR standards. An indispensable research tool for any serious enquirer into the subject, the Commentary speaks to the accomplishments of the ICCPR in striving for universal human rights standards. This invaluable book, for the first time, brings together the international and European Union legal framework on cultural property law and the restitution of cultural property. Drawing on the author's extensive experience of international disputes, it provides a very comprehensive and useful commentary. Theories of cultural nationalism and cultural internationalism and their founding principles are explored. Irini Stamatoudi also draws on soft law sources, ethics, morality, public feeling and the role of international organisations to create a complete picture of the principles and trends emerging today.

This article-by-article Commentary on EU Regulations 2016/1103 and 2016/1104 critically examines the uniform rules adopted by the EU to deal with the property relations of international couples, both married and in registered partnerships. Written by experts from a variety of European countries, it offers a comprehensive side-by-side discussion of the two Regulations to provide context and a deeper understanding of the issues of jurisdiction, applicable law and recognition of judgements covered.

The Commentary on the Vienna Convention on the Law of Treaties provides an in-depth article-by-article analysis of all of the Vienna Convention's provisions. Each provision's analysis consists of (I) Purpose and Function of the Article, (II) Historical Background with Negotiating History, (III) Elements of the Article and finally (IV) Treaties of International Organizations. In short, the present Commentary contains a comprehensive legal analysis of all aspects of the international law of treaties. Furthermore, where the law of treaties reaches into other fields of international law, e.g. the law of state responsibility, the relevant interfaces are discussed and contextualized. With its focus on international practice, the Commentary is an invaluable reference for both academia and practitioners of international law.

The EU has established itself as a significant international legal actor. This volume brings together the key primary legal materials relating to the foreign relations powers of the EU and its practices, with editorial commentary. It is an ideal resource for students, scholars, and practitioners in the field.

International Law in the U.S. Legal System provides a wide-ranging overview of how international law intersects with the domestic legal system of the United States, and points out various unresolved issues and areas of controversy. Curtis Bradley explains the structure of the U.S. legal system and the various separation of powers and federalism considerations implicated by this structure, especially as these considerations relate to the conduct of foreign affairs. Against this backdrop, he covers all of the principal forms of international law: treaties, executive agreements, decisions and orders of international institutions, customary international law, and jus cogens norms. He also explores a number of issues that are implicated by the intersection of U.S. law and international law, such as treaty withdrawal, foreign sovereign immunity, international human rights litigation, war powers, extradition, and extraterritoriality. This book highlights recent decisions and events relating to the topic, including various actions taken during the Trump administration, while also taking into account relevant historical materials, including materials relating to the U.S. Constitutional founding. Written by one of the most cited international law scholars in the United States, the book is a resource for lawyers, law students, legal scholars, and judges from around the world.

Now in its third edition, *International Law: Cases and Materials with Australian Perspectives* remains an authoritative textbook on international law for Australian students. With a strong focus on Australian practice and interpretation, the text examines how international law is developed, implemented and interpreted within the international community and considers new and developing approaches within this field. This edition has been comprehensively updated to address recent developments in international law. The selection of cases and materials provides a thorough coverage of core areas and addresses a range of contemporary challenges, including climate change, human rights, nuclear proliferation and the South China Sea. A new chapter on international trade law reflects the growing importance of this body of law in Australian practice. Guiding commentary provides a rigorous analysis of key principles. Written by a team of experts with substantial experience in this field, *International Law* is an essential resource for students.

Article 55 *Lex specialis*

This Manual provides the most up-to-date restatement of existing international law applicable to the conduct of air and missile warfare.

Reaching past the secrecy so often met in arbitration, the second edition of this commentary explains clearly and fully the workings of the UNCITRAL Rules of Arbitral Procedure recommended for use in 1976 by the United Nations. This new edition fully takes account of the revised Rules adopted in 2010 while maintaining coverage of the original Rules where these remain relevant. The differences between the old and the new Rules are clearly indicated and explained. Pulling together difficult to obtain sources from the Iran-United States Claims Tribunal, arbitrations under Chapter 11 of the North American Free Trade Agreement, and ad hoc arbitrations, it illuminates the shape the UNCITRAL Rules take in practice. The authors cogently critique that practice in the light of the negotiating history of the rules and solutions adopted by the other major private rules of arbitral procedure. To aid the specialist in the field, the practice of these various tribunals is extensively extracted and reproduced. Rich both in its analysis and sources, this text is indispensable for those working in or studying international arbitration.

Established as one of the main sources for the study of the Rome Statute of the International Criminal Court, this volume provides an article-by-article analysis of the Statute; the detailed analysis draws upon relevant case law from the Court itself, as well as from other international and national criminal tribunals, academic commentary, and related instruments such as the Elements of Crimes, the Rules of Procedure and Evidence, and the Relationship Agreement with the United Nations. Each of the 128 articles is accompanied by an overview of the drafting history as well as a bibliography of academic literature relevant to the provision. Written by a single author, the Commentary avoids duplication and inconsistency, providing a comprehensive presentation to assist those who must understand, interpret, and apply the complex provisions of the Rome Statute. This volume has been well-received in the academic community and has become a trusted reference for those who work at the Court, even judges. The fully updated second edition of *The International Criminal Court* incorporates new developments in the law, including discussions of recent judicial activity and the amendments to the Rome Statute adopted at the Kampala conference.

The 1961 Vienna Convention on Diplomatic Relations has for over 50 years been central to diplomacy and applied to all forms of relations among sovereign States. Participation is almost universal. The rules giving special protection to ambassadors are the oldest established in international law and the Convention is respected almost everywhere. But understanding it as a

living instrument requires knowledge of its background in customary international law, of the negotiating history which clarifies many of its terms and the subsequent practice of states and decisions of national courts which have resolved other ambiguities. Diplomatic Law provides this in-depth Commentary. The book is an essential guide to changing methods of modern diplomacy and shows how challenges to its regime of special protection for embassies and diplomats have been met and resolved. It is used by ministries of foreign affairs and cited by domestic courts world-wide. The book analyzes the reasons for the widespread observance of the Convention rules and why in the special case of communications - where there is flagrant violation of their special status - these reasons do not apply. It describes how abuse has been controlled and how the immunities in the Convention have survived onslaught by those claiming that they should give way to conflicting entitlements to access to justice and the desire to punish violators of human rights. It describes how the duty of diplomats not to interfere in the internal affairs of the host State is being narrowed in the face of the communal international responsibility to monitor and uphold human rights.

This book provides a comprehensive commentary on the UNCITRAL Model Law on International Arbitration. Combining both theory and practice, it is written by leading academics and practitioners from Europe, Asia and the Americas to ensure the book has a balanced international coverage. The book not only provides an article-by-article critical analysis, but also incorporates information on the reality of legal practice in UNCITRAL jurisdictions, ensuring it is more than a recitation of case law and variations in legal text. This is not a handbook for practitioners needing a supportive citation, but rather a guide for practitioners, legislators and academics to the reasons the Model Law was structured as it was, and the reasons variations have been adopted.

'.. this work is intended to provide an in-depth analysis of each and every provision of the 1951 Convention and its 1967 Protocol. Special contributions on topics that cut across various provisions or that provide an overview over developments in certain regions of the world complement this Commentary.'

The Singapore Convention on Mediation presents a comprehensive and insightful commentary on the Singapore Convention and the emerging field of the private international law of mediation. The Convention is just beginning its life as an international legal instrument. Recent years have witnessed the growing recourse to mediation as an alternative method of solving disputes in the sphere of international commercial and investment relations. How is it likely to fare? In this first comprehensive, article-by-article commentary, the authors provide a robust report on the features of the Convention and their implications, with analysis of potential controversies and authoritative clarifications of particular provisions. What's in this book: The book's meticulous examination considers the following issues and topics: – international mediated settlement agreements as a new type of legal instrument in international law; – types of settlement agreements that fall within the scope of the Convention; – how the Convention's enforcement mechanism works; – the meaning of 'international' and the absence of a seat of mediation; – the Convention's approach to recognition and enforcement of internationally mediated settlement agreements; – the grounds for refusal to grant relief under the Convention; – mediator misconduct as a ground for refusal to grant relief; – the impact of the Convention on private international law; – the relationship of the Singapore Convention with other international instruments such as the UN Model Law on International Commercial Mediation and the New York Convention on Arbitration; – possibilities for Contracting States to declare reservations. How this will help you: This book will be one of the first publications providing legal practitioners and other stakeholders with legal commentary on the Singapore Convention on Mediation. It informs readers of the legal implications and potential controversies associated with the Convention and offers much-needed clarifications on particular provisions This book takes a giant step towards relieving the inherent uncertainty associated with how this newly constituted instrument may operate, and how States may become 'Convention ready'. It is sure to become an essential reference for international lawyers, mediators and government officials as the Convention proves itself in the coming years.

International Criminal Law: Cases and Commentary presents a comprehensive, pragmatic explanation of the development of substantive international criminal law through key illustrative cases from domestic and international jurisdictions. Presents concise and stimulating commentaries by the leading academics in the field.

Fully updated edition offers coverage of new topics and a more student-friendly design, while retaining the original style and features.

This book is a commentary on the 1961 Vienna Convention on Diplomatic Relations, the universally accepted framework for diplomacy between sovereign states. In this enlarged, rewritten and fully-updated second edition, Denza places each provision of the Convention in its historical context.

In 1949 the International Court of Justice (ICJ) handed down its first judgment in the Corfu Channel Case. In diffusing an early Cold War dispute, the Court articulated a set of legal principles which continue to shape our appreciation of the international legal order. Many of the issues dealt with by the Court in 1949 remain central questions of international law, including due diligence, forcible intervention and self-help, maritime operations, navigation in international straits and the concept of elementary considerations of humanity. The Court's decision has been cited on numerous occasions in subsequent international litigation. Indeed, the relevance of this judgment goes far beyond the subject matter dealt with by the Court in 1949, extending to pressing problems such as trans-boundary pollution, terrorism and piracy. In short, it was and remains a thoroughly modern decision — a landmark for international law; and one which today warrants reconsideration. Taking a critical approach, this book examines the decision's influence on international law generally and on some fields of international law like the law of the sea and the law of international responsibility specifically. The book collects the commentary of a distinguished set of international law scholars, including four well-known international judges. The contributors consider not only the history of the Corfu Channel Judgment and its contribution to the development of international law, but also its resonance in many contemporary issues in the field of international law. This book will be of particular interest to academics and students of International Law, International Relations and Legal History

This volume provides a thorough commentary on the articles of the Convention against Torture, with historical context and analysis of relevant case law from monitoring bodies and international, regional and domestic courts.

International investment law and arbitration is a rapidly evolving field, and can be difficult for students to acquire a firm understanding of, given the considerable number of published awards and legal writings. The first edition of this text, cited by courts in Singapore and Colombia, overcame this challenge by interweaving extracts from these arbitral decisions, treaties and scholarly works with concise, up-to-date and reliable commentary. Now fully updated and with a new chapter on arbitrators, the second edition retains this practical structure along with the carefully

curated end-of-chapter questions and readings. The authors consider the new chapter an essential revision to the text, and a discussion which is indispensable to understanding the present calls for reform of investment arbitration. The coverage of the book has also been expanded, with the inclusion of over sixty new awards and judicial decisions, comprising both recent and well-established jurisprudence. This textbook will appeal to graduates studying international investment law and international arbitration, as well as being of interest to practitioners in this area.

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