The Settlement Of International Disputes Basic Documents Documents In International Law

Handbook on the Peaceful Settlement of Disputes Between States

Recent examples such as the cholera outbreak in Haiti demonstrate that individual victims of human rights violations by international organizations are frequently left in the cold. Following an examination of the human rights obligations of international organizations, this book scrutinizes their dispute settlement mechanisms as well as the conflict between their immunities and the right of access to justice before national jurisdictions. It concludes with normative proposals addressed both to international organizations and to national judges confronted with such cases.

Flexible in International Dispute Settlement

The past forty years have seen a wide proliferation of disputes under international law concerning cultural heritage. These have included the restitution of stolen art objects or the protection of monuments. Unlike other fields of international law, international cultural heritage law does not have an ad hoc mechanism of dispute settlement. As a result, controversies are to be settled through negotiation or, if it fails, through existing dispute resolution means. This can result in similar cases being settled in different ways, thereby bringing about an incoherent and fragmentary enforcement of the law. This book offers a comprehensive and innovative analysis of the settlement of cultural heritage disputes. This examination is two-fold. First, it assesses the existing legal framework and the available dispute settlement means. Second, it explores the feasibility of two solutions for overcoming the lack of a specialized forum. The first is the establishment of a new international court. The second concerns existing judicial and extra-judicial fora and their interaction through the practice of ‘cross-fertilization’. The book focuses on the substance of such interaction, and identifies a number of culturally-sensitive parameters (the ‘common rules of adjudication’). It argues that existing judicial and non-judicial fora should adopt a cross-fertilizing perspective to use and disseminate jurisprudence containing these common rules of adjudication. It sets out how such an approach would enhance the effectiveness and coherence of decision-making processes and would be conducive to the development of a lex culturalis. This can be defined as a composite body of rules designed to protect cultural heritage by excluding the mechanical application of the norms established for standard business transactions of ordinary goods.

The Rule of Law and the Settlement of International Disputes

The Rule of Law and the Settlement of International Disputes provides a concise and accessible exposition of the key areas of international law for the student. This edition has been updated to include new material on the use of force, the International Criminal Court, and terrorism.

Journal of Dispute Resolution

Flexibility in International Dispute Settlement
The first part of this book deals with the general principles relating to international disputes settlement. It starts by looking at the nature of an international dispute in contemporary international law, and by discussing the principles governing the ascertainment of the existence of an international dispute. It then moves on to a consideration of the diplomatic means of an international dispute settlement. The book not only focuses on the peaceful means, but also considers other means, in particular countermeasures. A separate chapter is devoted to the International Court of Justice, enabling in-depth treatment of the issues. The book critically analyses the cases in which Australia and New Zealand have been involved, first as applicants, and then as respondents, thereby assessing the contributions made by these two countries to the development of the law relating to international disputes settlement.

A Manual of International Dispute Resolution

This Handbook provides in one volume an authoritative and independent treatment of the UN's seventy-year history, written by an international cast of more than 50 distinguished scholars, analysts, and practitioners. It provides a clear and penetrating examination of the UN's development since 1945 and the challenges and opportunities now facing the organization. It assesses the implications for the UN of rapid changes in the world - from technological innovation to shifting foreign policy priorities - and the UN's future place in a changing multilateral landscape. Citations and additional readings contain a wealth of primary and secondary references to the history, politics, and law of the world organization. This key reference also contains appendices of the UN Charter, the Statute of the International Court of Justice, and the Universal Declaration of Human Rights.

International Law

"Since the conclusion of World War II, the legacy of militarism and colonialism in areas of Asia has left many unresolved conflicts, dividing parts of the region. This legacy has also contributed to the discourse of contemporary legal issues in the region, including territorial disputes, human rights, the environment, state responsibility, and international trade among others. This volume addresses salient international legal issues that flowed from the legacy of the region's historical experience with colonialism. The book specifically addresses topics including territorial boundary disputes, the law of the sea and maritime delimitation, international law and colonialism, responsibility to protect and international dispute resolution. This volume provides perspectives on these issues from prominent Asian legal scholars who analyze and discuss various ways in which international law and the international legal process can aid the resolution of these issues relevant to the region”--

The Peaceful Settlement of International Disputes

The International Court of Justice and the Effectiveness of International Law, by Philippe Couvreur, Registrar of the ICJ, offers an account of the history and main achievements of the principal judicial organ of the United Nations, the only court with universal and general jurisdiction.

Textbook on International Law

This volume collects the materials underlying the International Colloquium “Conciliation in the Globalized World of Today”, held on 11 and 12 June 2015 in Vienna under the auspices of the Court of Conciliation and Arbitration within the OSCE. The aim of the Colloquium was to examine the merits and possible shortcomings of this method of conflict resolution, and it concluded that the pros heavily outweigh the cons.


Fundamentals of Public International Law, by Giovanni Distefano, provides an overview of public international law’s main principles and fundamental institutions.

International Dispute Settlement

Mediation in International Commercial and Investment Disputes

Settlements of International Disputes

The volume offers an assessment of the interactions between diplomatic and judicial means of settling international disputes in selected areas: territorial questions, international criminal law, international trade law, investment arbitration and human rights. It includes contributions from some of the world’s leading academics and practitioners.

The Settlement of International Disputes

The Law of International Conflict deals with three key principles of international law from a policy-oriented perspective that includes insights from various social sciences.
Studies and Materials on the Settlement of International Disputes

This edited collection on international commercial and investment disputes in, and with, India examines past and present landmark legislative and regulatory reforms initiated by the Indian government, including the 2015 new Bilateral Investment Treaty (BIT) model, the 2015 amendments to the 1996 Arbitration Act and the 2013 amendments to Section 135 of the Companies Act on Corporate Social Responsibility (CSR), as well as the most recent amendments to the same. The book also includes recent developments in the dispute resolution arena, regional, and international negotiations involving India, the legal profession’s response to these developments, and civil society’s comments. In addition, it addresses contemporary problems of key importance and at the centre of today’s discussions, from the legitimacy and relevance of Investor-State Dispute Settlement (ISDS) to the denunciation of Bilateral Investment Treaties (BITs), and the role arbitration should play in emerging economies now leaders in world trade. In creating bridges between commercial and investment arbitration, it also renews the conceptual approach to these too often artificially isolated fields of law. The volume provides an accurate and updated account of the many fascinating conceptual and practical evolutions, which already impact the world of international dispute resolution far beyond the borders of India. This unique and exhaustive study will be of great appeal to a vast range of readers from practitioners to academia.

International Organizations and International Dispute Settlement: Trends and Prospects

The very purpose of international law is the peaceful settlement of international disputes. Over centuries, states and more recently, organizations have created substantive rules and principles, as well as affiliated procedures, in the pursuit of the peaceful settlement of disputes. This volume of the Library of Essays in International Law focuses on the classic procedures of peaceful settlement: negotiation, good offices, inquiry, conciliation, arbitration, judicial settlement, and agencies for dispute resolution. The introduction provides a unique historic overview, explaining how the procedures first developed and changed over time. Each chapter features a seminal essay that helped create the changes described in the introduction. Being at the center of international law, dispute resolution has always been a core topic of international scholarship, this volume brings together for the first time, the pivotal writing in the field.

International Dispute Settlement

Litigating International Law Disputes

Settlement of International Disputes

The latest edition of this successful textbook on the techniques and institutions used to solve international disputes, how they work and when they are used, looks at diplomatic (negotiation, mediation, inquiry and conciliation) and legal methods (arbitration, judicial settlement). It uses many, often topical, examples of each method in practice to place the theory of how things should work in the context of real-life situations, helping the reader to understand the strengths and weaknesses of different methods when they are used. Fully updated throughout, the sixth edition includes all the latest case law, as well as new sections on investment arbitration and regional trade disputes. It is an essential resource for advanced undergraduate and postgraduate courses on international dispute settlement.

Fundamentals of Public International Law

This collection of documents brings together a large number of primary sources on the peaceful settlement of disputes in a usable and affordable format. The documents included reflect the diverse techniques of international dispute settlement, as recognised in Articles 2(3) and 33 of the UN Charter, such as negotiation, mediation, inquiry and conciliation). The book comprises the most relevant multilateral treaties establishing dispute settlement regimes, as well as examples of special agreements, compromissory clauses, optional clause declarations and relevant resolutions of international organisations. It covers both diplomatic and adjudicative methods of dispute settlement and follows a basic division between general dispute settlement mechanisms, and sectoral regimes in fields such as human rights, WTO law, investment, law of the sea, environmental law and arms control. The book is the first widely-available collection of key documents on dispute settlement. It is aimed at teachers, students and practitioners of international law and related disciplines.

International Law and Dispute Settlement

A guide to the techniques and institutions used to solve international disputes, how they work and when they are used. This textbook looks at diplomatic (negotiation, mediation, inquiry and conciliation) and legal methods (arbitration, judicial settlement). It uses many, often topical, examples of each method in practice to place the theory of how things should work in the context of real-life situations and to help the reader understand the strengths and weaknesses of different methods when they are used. It also looks at organisations such as the International Court and the United Nations and has been fully updated to include the most recent arbitrations, developments in the WTO and the International Tribunal for the Law of the Sea, as well as case law from the International Court of Justice.

The European Union and International Dispute Settlement

This monograph explores the connections between the European Union and international dispute settlement. It highlights the legal challenges faced by the principal players in the field: namely the EU as a political actor and the Court of Justice of the EU as an international and domestic judiciary. In addition, it places the subject in its broader context of international dispute settlement, and the participation of the EU and its Member States in international disputes. It focuses on horizontal and cross-cutting themes, bringing together insights from the different sectors of trade, investment and human rights, and offering a variety of perspectives from academics, policymakers and practitioners.
The Settlement of Disputes in International Law

Scientific Essay from the year 2013 in the subject Politics - International Politics - Topic: Peace and Conflict Studies, Security, , language: English, abstract: Article 2, paragraph 3 of the UN Charter requires that: "All Members shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered. The UN General Assembly, in adopting its 1982 Manila Declaration on the Peaceful Settlement of Disputes, emphasized the need to exert utmost efforts in order to settle any conflicts and disputes between States exclusively by peaceful means" and that" the question of the peaceful settlement of disputes should represent one of the concerns for States and for the United Nations". In age of nuclear weapons, the importance of the principle of peaceful settlement of international disputes is apparent.

The Settlement of International Disputes

"Lauterpacht Research Centre for International Law, University of Cambridge."--T.p.

Islamic Law and International Law

The third edition of International Law: Cases and Materials with Australian Perspectives examines how international law is developed, implemented and interpreted.

The International Court of Justice and the Effectiveness of International Law

The international practice of the past forty years shows the proliferation of a great variety of disputes concerning tangible cultural heritage. These mostly consist of inter-State and private claims about artworks stolen or illegally exported, and controversies regarding the protection of monuments and cultural spaces, not only from war-like situations, but also from non-violent processes, such as the realisation of investment projects. This book discusses whether an improvement in the manner in which these disputes are dealt with may enhance the international protection of cultural heritage.

The Settlement of International Cultural Heritage Disputes

Conciliation has recently seen a successful revival. It provides States with a flexible remedy to peacefully settle their disputes with neighbouring States. The most prominent mechanism for that purpose is the OSCE Court of Conciliation and Arbitration, unused until today.

International Dispute Settlement

This book examines why states resort to international adjudication or arbitration for the resolution of their disputes.

Access to Justice and International Organizations

International dispute settlement plays a fundamental role in maintaining the fabric of the international legal order, reflecting the desire of States, and increasingly non-State actors, to resolve their differences through international dispute procedures and other legal mechanisms. This edited collection focuses upon the growth and complexity of such legal methods, which includes judicial settlement (courts and tribunals), arbitration and other legal (or what might be termed 'extra-legal') means (international organisations, committees, inspection panels, and ombudsmen). In this important collection, such mechanisms are compared and evaluated side-by-side to provide, in one volume, a detailed and analytical account of the current framework. Ranging from key conceptual issues of proliferation of legal mechanisms and the associated risks of fragmentation through to innovations in dispute settlement mechanisms in many topical areas of international law, including international trade law, collective security law and regional law, this collection, written by leading international lawyers, provides a major study in the ongoing trends and emerging problems in this crucial area of international law. This edited collection is published to mark the retirement of Professor John Merrills, Emeritus Professor of International Law, University of Sheffield, who has written widely on international law and human rights law, but is probably best known for his work on the settlement of international disputes, evidenced by the enduring appeal of his leading text International Dispute Settlement, now in its fourth edition.

Adjudicating Global Business in and with India

The contributions in this book cover a wide range of topics within modern disputes resolution, which can be summarised as follows: harmonisation, enforcement and alternative dispute resolution. In particular, it looks into the impact of harmonised EU law on national rules of civil procedure and addresses the lack of harmonisation in the US regarding the recognition and enforcement of foreign judgments. Furthermore, the law on enforcement is examined, not only by focusing on US law, but also how to attach assets in order to enforce a judgment. Finally, it addresses certain types of alternative dispute resolution. In addition, the book looks into the systems and cultures of dispute resolution in several regions of the world, such as the EU, the US and China, that have a high impact on globalisation. Hence, the book is diverse in the sense of dealing with multiple issues in the field of modern dispute resolution. The book offers explorations of the impact of international rules and EU law on domestic civil procedure, through case studies from, among others, the US, China, Belgium and the Netherlands. The relevance of EU law for the national debate and its impact on the regulation of civil procedure is also considered. Furthermore, several contributions discuss the necessity and possibility of harmonisation in the emergency arbitrator mechanisms in the EU. The harmonisation of private international law rules within the EU, particularly those of a procedural nature, is juxtaposed to the lack thereof in the US. Also, the book offers an overview of the current dispute settlement mechanisms in China. The publication is primarily meant for legal academics in private international law and civil procedure. It will also prove useful to practitioners regularly engaged in cross-border dispute resolution and will be of added value to advanced students, as well as to those with an interest in international litigation and
The Law of International Conflict

Dispute Settlement in International Space Law

This book offers students a clear and systematic overview of procedures for peaceful dispute settlement in international law.

The Oxford Handbook on the United Nations

In the second part of the book the emerging principles of procedural law applied in these tribunals are discussed."--Jacket.

International Dispute Settlement: Room for Innovations?

A practical guide to international dispute resolution and settlement, especially in the fields of trade and commerce, investment, and intellectual property. The book will be of interest to readers worldwide who need to understand international dispute resolution processes and institutions.

International Dispute Settlement in an Evolving Global Society

The Settlement of International Disputes

Asian Approaches to International Law and the Legacy of Colonialism

Drawing on lessons learned in international law, juridical dispute settlement, entrepreneurial efficiency, science and technology and space policy, this book offers a comprehensive insight into dispute settlement and proposes a workable and enforceable framework for dispute settlement concerning space activities.

The Settlement of International Cultural Heritage Disputes

Diplomatic and Judicial Means of Dispute Settlement

This publication succeeds previously published seminars of the Max Planck Institute for Comparative Public Law and International Law (Heidelberg, Germany) dealing with evolving principles and new developments in international law. Due to the limits of traditional dispute settlement in international law and the ongoing scholarly debate on those limits, it focuses on possible innovations and functional approaches to improve international dispute settlement mechanisms. In doing so, it covers a wide variety of topics such as procedures of the WTO, advisory opinions of international courts and tribunals, the privatization of international dispute settlement, the interaction between councils and international courts and tribunals, and the law-making function of international courts. The aim of this publication is to contribute to the cross-fertilization between these mechanisms and to offer creative impulses for the promotion of international dispute settlement.

Conciliation in International Law

Until now, the resolution of international commercial and investment disputes has been dominated almost exclusively by international arbitration. But that is changing. Whilst they may be complementary mechanisms, international mediation and conciliation are now coming to the fore. Mediation rules that were in disuse gather momentum, and dispute settlement centres are introducing new mediation rules. The European Union is encouraging international mediation in both the commercial and investment spheres. The 2019 Singapore Mediation Convention of the United Nations Commission on International Trade Law (UNCITRAL) is aiming to ensure enforcement of international commercial settlement agreements resulting from mediation. The first investor-State disputes are mediated under the International Bar Association (IBA) rules. The International Centre for Settlement of Investment Disputes (ICSID)'s conciliation mechanism is resorted to more often than in the past. The International Chamber of Commerce (ICC) has recently administered its first mediation case based on a bilateral investment treaty, and a new training market on mediation is flourishing. Mediation in Commercial and Investment Disputes brings together a line-up of outstanding, highly-qualified experts from academia, mediation and arbitration institutions, and international legal practice, to address this highly topical, complex subject from a variety of angles.