International Law

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Modern Treaty Law and Practice
2nd Edition
Anthony Aust
University of London
A comprehensive treatment of the law of treaties written from the point of view of a practitioner of 35 years experience: the first book of its kind. Aust provides a wealth of examples of the real problems experienced in making and using treaties day by day, not just when a treaty is the subject of a court case. As such it is invaluable to the practitioner. Aust aims to supply the reader with a full and rounded understanding of all aspects of treaties. He avoids technical language as far as possible, making his work accessible to non-lawyers. Although not primarily an academic work, there is plenty to interest and inform law students and teachers, as well as those specialising in political science, international relations or diplomacy.


October 2007 228 x 152 mm 600pp
978-0-521-86097-0 Hardback c. £75.00
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Making Treaties Work
Human Rights, Environment and Arms Control
Edited by Geir Ulfstein
Universitetet i Oslo
With Thilo Marauhn
Justus-Liebig-Universität Giessen, Germany
Andreas Zimmermann
Christian-Albrechts Universität zu Kiel, Germany
International law has traditionally left enforcement to individual parties, but more and more treaties contain arrangements to induce States to comply with their commitments. This book examines three forms of such mechanisms: dispute settlement procedures in the form of international courts, non-compliance procedures of an administrative character, and enforcement of obligation by coercive means. The fields examined are human rights, international environmental law, and arms control and disarmament. These areas are in the forefront of current global developments. The book will appeal to all lawyers and practitioners working on treaties.


2007 228 x 152 mm 464pp
978-0-521-87317-8 Hardback £55.00
Implementing Negotiated Agreements
The Real Challenge to Intrastate Peace
Miek Boltjes
Kredita Europe

Most intrastate peace agreements are implemented inadequately or not at all. This leads to renewed tensions and often to a resumption of armed conflict. This book examines why the record of implementation of peace agreements between governments and population groups within their state is so poor, and what is being and can be done to change this.

Most of the authors write from first hand experience, having played major roles in the negotiation and implementation of intrastate peace agreements in different parts of the world. They provide unique insights into the difficulties faced by parties to peace agreements and explore ways to overcome these. The diversity of authors and of the peace processes in which they have been involved ensures a rich, new and important contribution to the understanding of intrastate peace processes.


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Procedure at International Conferences
A Study of the Rules of Procedure at the UN and at Inter-governmental Conferences
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Robbie Sabel
Hebrew University of Jerusalem

This new edition is a manual of the rules of procedure for the conduct of business at the UN General Assembly, international conferences and assemblies of inter-governmental organisations. It examines the rules’ legal basis, the history of their development and attempts at their codification, as well as their practical applications.

‘…an indispensable reference work for diplomats and others following the inner workings of international conferences.’
The American Journal of International Law

‘Dr Sabel has performed a most remarkable service to the doctrine and practice of international law alike. His book is in fact a handbook of the rules of procedure applicable to international conferences which participants at such conferences will, in the future, ignore at their peril.’
Israel Law Review

• First edition was awarded a 1998 American Society of International Law ‘Special Award’


2006 228 x 152 mm 496pp 978-0-521-83712-5 Hardback £100.00
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This volume focuses on the everyday social relationships through which international justice is produced. It offers case studies ranging from the International Criminal Court, the European Court of Human Rights and the UN Women’s Convention Committee, amongst other institutions. The contributors ask how and why international justice is mobilised, understood and abandoned by concrete social actors and to what effect. Such an approach is crucial if we are to understand how the claims of international justice can take purchase in the midst of social conflict and political violence.

- Develops an original theoretical and methodological approach to the study of international justice
- Provides detailed case studies of the ways institutions of international justice are mobilised by social actors
- Offers an analysis of geographically varied problematic situations, including in Peru, Romania, Uganda, the Balkans, Rwanda, the UK, Turkey, and Serbia

**Contents:**

**Contributors:** Tobias Kelly, Marie-Bénédicte Dembour, Jane K. Cowan, Emily Haslam, Jelena Tošić, Basak Çali, Kamari Maxine Clarke, Sally Engle Merry, M. Zerilli, Lisa J. Laplante, Sal Buckler

**Cambridge Studies in Law and Society**

**Imperialism, Sovereignty and the Making of International Law**

An Antony Angihe
University of Utah

This book examines the relationship between imperialism and international law. It argues that colonial confrontation was central to the formation of international law and, in particular, its founding concept, sovereignty. Traditional histories of the discipline present colonialism and non-European peoples as peripheral concerns. By contrast, Angihe argues that international law has always been animated by the ‘civilizing mission’ - the project of governing non-European peoples. Racial discrimination, cultural subordination and economic exploitation are constitutively significant for the discipline, rather than aberrations that have been overcome by modern international law.

‘...argued meticulously and compellingly and should be required reading for all scholars of international law.’

Modern Law Review

**Contents:**

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International Law and its Others
Edited by Anne Orford
University of Melbourne

International law is appealed to as offering a means of constraining power and as representing universal values. Here, scholars draw on jurisprudence, philosophy, legal history and political theory to analyse this turn towards international law. Contributors explore the history of relations between international law and those it defines as other - other traditions, other logics, other forces, and other groups. The result is a rich array of responses to the question of what it means to speak and write about international law in our time.


Contributors: Anne Orford, Costas Douzinas, Ian Duncanson, Dan Danielsen, Connal Parsley, David Kennedy, Judith Grbich, Florian F. Hoffmann, Liliana Obregón, Frédéric Mégret, Dianne Otto, Juliet Rogers, Antony Anghie, Hilary Charlesworth, David Kennedy.

2006 228 x 152 mm 434pp 978-0-521-85949-3 Hardback £60.00

Secession
International Law Perspectives
Edited by Marcelo G. Kohen
Graduate Institute of International Studies, Geneva

Secession is the creation of a new State through the separation of part of the territory and population of an existing State. It is often a source of conflict, since the latter State is generally not willing to admit its dismemberment. This book offers a comprehensive study of secession from an international law perspective. It thoroughly addresses all the theoretical problems connected to secession throughout the world today, and demonstrates the role played by international law in either preventing or promoting secession.


2006 228 x 152 mm 546pp 978-0-521-84928-9 Hardback £70.00

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Interpretation and Revision of International Boundary Decisions
Kaiyan Homi Kaikobad
University of Durham
This book seeks to comment upon the nature, scope and effect of two important remedies in the adjudication of boundary disputes, namely the remedies of interpretation and revision. It examines these remedies by looking at their basic legal nature and the principles on which these remedies can be applied. Thus the book sheds light on how, when and in what circumstances will an international tribunal be able to interpret or revise either its own or another tribunal’s decisions.


Part IV: Conclusions
2007 228 x 152 mm 392pp 6 maps 978-0-521-86912-6 Hardback £55.00

Sovereignty, the WTO and Changing Fundamentals of International Law
John H. Jackson
Georgetown University, Washington DC
The last decade of the twentieth century and the first decade of the twenty-first century have been one of the most challenging periods for the generally accepted assumptions of international law.

This book grapples with these long-held assumptions (such as the consent basis of international law norms, equality of nations, restrictive or text-based treaty interpretations and applications, the monopoly of internal national power, and non-interference), and how they are being fundamentally altered by the forces of globalization. It also examines the challenges facing the WTO as a component of international economic law, and how that field is inextricably linked to general international law.


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The OECD Convention on Bribery
A Commentary
Edited by Professor Mark Pieth
Universität Basel, Switzerland
Lucinda A. Low
Steptoe & Johnson LLP
Peter J. Cullen
Academy of European Law, Trier
The OECD Treaty of 1997 introduced criminal liability for OECD-based individuals and companies who bribe foreign officials to win business. This book gives a detailed, article-by-article, commentary on the Treaty. Interpretative guidance is provided on all the major legal issues surrounding bribery of foreign public officials. The individual chapters provide comparative analysis of bribery legislation in all OECD countries, referring to OECD evaluation reports. The editors and authors include persons with substantial practical experience of OECD anti-corruption efforts as well as academic experts in criminal law.
• This is the first book to give detailed commentary on OECD Convention: there is urgent need to provide guidance to legal community on this instrument, which has been implemented recently in national law
• Comprehensive coverage of implementation of anti-bribery Convention in all OECD countries
• Scholarly but practical: written from a legal standpoint but with awareness of political context and practical constraints on enforcement

Contents:

Contributors:
Ingeborg Zerbes, Mark Pieth, Peter J. Cullen, Gregory S. Bruch, Akita Adkins, Maurice Harari, Anne Valerie Julen Berthod, Nicola Bonucci, Lucinda A. Low.
2007 228 x 152 mm 652pp
978-0-521-86817-4 Hardback £85.00
978-0-521-70754-1 Paperback £25.99

An Introduction to the International Criminal Court
3rd Edition
William A. Schabas
National University of Ireland, Galway
The International Criminal Court has ushered in a new era in the protection of human rights. Protecting against genocide, crimes against humanity and war crimes, the Court acts when national justice systems are unwilling or unable to do so. This third edition of this seminal text on the Court considers it in action: its initial rulings by the Pre-Trial Chambers and the Appeals Chamber and those cases it is prosecuting as well as those where it had decided not to proceed, such as Iraq.
The book also explores the law of the Court up to and including its ruling on a confirmation hearing. It addresses the political context of the court, such as the difficulties created by US opposition and the increasing recognition of the inevitability of the institution.
Written by the leading expert in the field, this text is essential reading for any student of the Court and its workings.

Contents:

October 2007 222 x 152 mm 550pp
978-0-521-88125-8 Hardback c.£65.00
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This book could not be more timely or important. International criminal law is one of the fastest growing areas of international law, with enormously important implications for practitioners and politician alike. Here at last is a book that can serve both as a scholarly reference and a practitioners’ manual, simplifying the complexities of multiple decisions from multiple tribunals and systematizing the law governing both individual criminal responsibility and the elements of international crimes.’

Anne-Marie Slaughter, Dean, Woodrow Wilson School of Public and International Affairs, Princeton University

Contents:

July 2007 228 x 152 mm 300pp
978-0-521-87699-5 Hardback £60.00
978-0-521-70039-9 Paperback £23.99
The Threat of Force in International Law
Nikolas Stürchler
Universität Basel, Switzerland

Threats of force are a common feature of international politics, advocated by some as an economical guarantee against the outbreak of war and condemned by others as a recipe for war. Article 2(4) of the United Nations Charter forbids states to use threats of force, yet the meaning of the prohibition is unclear. This book provides the first comprehensive appraisal of the no-threat principle: its origin, underlying rationale, theoretical implications, relevant jurisprudence, and how it has withstood the test of time from 1945 to the present.

Based on a systematic evaluation of state and United Nations practices, the book identifies what constitutes a threat of force and when its use is justified under the United Nations Charter. In so doing, it relates the no-threat principle to important concepts of the twentieth century, such as deterrence, escalation, crisis management, and what has been aptly described as the ‘diplomacy of violence’.


2007 228 x 152 mm 384pp
978-0-521-87388-8 Hardback c. £55.00

The Protection of Cultural Property in Armed Conflict
Roger O’Keefe
University of Cambridge

Charting in detail the evolution of the international rules on the protection of historic and artistic sites and objects from destruction and plunder in war, this book analyses in depth their many often-overlapping provisions. It serves as a comprehensive and balanced guide to a subject of increasing public profile, which will be of interest to academics, students and practitioners of international law and to all those concerned with preserving the cultural heritage.

Contents: Table of cases; Table of treaties and other international instruments; List of abbreviations; 1. From the High Renaissance to the Hague rules; 2. 1914 to 1954; 3. The 1954 Hague Convention and First Hague Protocol; 4. The 1977 additional protocols; 5. The 1999 Second Hague Protocol; 6. Other relevant bodies of law; Epilogue.

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Can Might Make Rights?
Building the Rule of Law after Military Interventions
Jane Stromseth
Georgetown University, Washington DC
David Wippman
Cornell University, New York
Rosa Brooks
University of Virginia
Why is it so difficult to promote stability and democracy in societies such as Iraq and Afghanistan? In Can Might Make Rights?, the authors show how an excessively narrow understanding of “the rule of law” has led policy-makers to fund short-sighted and self-undermining programs. The authors argue for a new ‘synergistic’ approach to creating the rule of law in conflict-ridden and transitional societies, highlighting the interconnectedness of security, human rights, justice institutions and culture in the quest to create the ‘rule of law’.
• First book to take holistic approach, looking at rule of law in context and from most angles, not just focusing on justice institutions
• The book takes a thematic approach to the subject of post-conflict rule of law, integrating examples from a wide variety of countries
• Brings together material on key issues and best practices in an accessible way
2006 228 x 152 mm 424pp
978-0-521-86089-5 Hardback £45.00
978-0-521-67801-8 Paperback £17.99

Making Sense of War
Strategy for the 21st Century
Alan Stephens
Australian Defence Force Academy
Nicola Baker
Australian Defence Force Academy
This book provides a comprehensive and clear analysis of the complex business of waging war. It gives readers a thorough understanding of the key concepts in strategic thought, concepts that have endured since the Athenian general Thucydides and the Chinese philosopher/warrior Sun Tzu first wrote about strategy some 2500 years ago. It also examines the influence on strategic choice and military strategy of political, legal and technological change.
The book discusses strategy at every level of competition, employing a thematic approach and using historical examples from 500 BCE to the present. It discusses the constraints and opportunities facing military commanders in the 21st century, and demonstrates that the formulation of military strategy will continue to be perhaps the single most important responsibility for senior security officials. Making Sense of War offers original insights into the imperatives of military success in the era of asymmetric warfare.
2006 228 x 152 mm 306pp
978-0-521-67664-9 Paperback £24.99
Victory in War
Foundations of Modern Military Policy
William C. Martel
The Fletcher School, Tufts University, Massachusetts

For millennia, policymakers and statesmen have grappled with questions about the concept of victory in war. How long does it take to achieve victory and how do we know when victory is achieved? And, as highlighted by the wars against Afghanistan and Iraq, is it possible to win a war and yet lose the peace? The premise of this book is that we do not have a modern theory about victory and that, in order to answer these questions, we need one.

This book explores historical definitions of victory, how victory has evolved, and how it has been implemented in war. It also subsequently develops the intellectual foundations of a modern pre-theory of victory, and discusses the military instruments necessary for victory in the twenty-first century using case studies that include U.S. military intervention in Panama, Libya, Persian Gulf War, Bosnia/Kosovo, Afghanistan, and Iraq.


2007 228 x 152 mm 446pp 978-0-521-85956-1 Hardback £19.99

Atrocity, Punishment, and International Law
Mark A. Drumbl
Washington and Lee University, School of Law

This book rethinks how people who perpetrate genocide should be punished. Based on ‘on the ground’ analysis from Rwanda, East Timor, Uganda and other places afflicted by atrocity, this book concludes that the international community’s preference for prosecution and imprisonment may not be as effective as we hope. Instead, this book calls for a broader-based response to atrocity that welcomes bottom-up perspectives, including restorative, reparative, and reintegrative traditions, that differ from the classic Western criminal trial. The time has come for international criminal law as a discipline to move beyond nascence and to welcome a second, and even more challenging, stage: that of re-appraisal, maturation, and self-improvement.


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International Relations
The Path Not Taken
Thomas J. Schoenbaum
Tokyo Christian University

This book is a comprehensive analysis of the relevance of international law to the conduct of international relations and foreign policy. Written by a distinguished international lawyer and academic with over 35 years of experience, this book contains a systematic treatment of both fields of study. This work serves as an introduction to contemporary theories of international relations and as a primer on international law especially for the non-lawyer.

Focusing on contemporary problems of terrorism, nuclear non-proliferation, war and peace, economic development, protection of the global environment, reform of the United Nations, democracy and protection of human rights, this work develops the thesis that international law is a neglected tool of foreign policy that can be used to address many of today’s difficult and unresolved problems. It concludes by advocating a ‘new global order’ in the form of the rule of law and multilateral solidarity in addressing world problems.


Lecturers can request inspection copies of this title on www.cambridge.org/textbooks

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978-0-521-68150-6 Paperback £16.99

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New Dimensions in Privacy Law
International and Comparative Perspectives
Edited by Andrew T. Kenyon
University of Melbourne
Megan Richardson
University of Melbourne

The challenges faced by privacy laws in changing technological, commercial and social environments are considered in this broad-ranging examination of privacy law. The book encompasses three overlapping areas of analysis: privacy protection under the general law; legislative measures for data protection in digital communications networks; and the influence of transnational agreements and other pressures toward harmonised privacy standards.

Leading, internationally-recognised authors discuss developments across these three areas in the UK, Europe, the US, APEC (Asia-Pacific Economic Cooperation), Australia and New Zealand. Chapters draw on doctrinal and historical analysis of case law, theoretical approaches to both freedom of speech and privacy, and the interaction of law and communications technologies in order to examine present and future challenges to law’s engagement with privacy.


2006 228 x 152 mm 306pp
978-0-521-86074-1 Hardback £60.00

The Law and Business of International Project Finance
A Resource for Governments, Sponsors, Lawyers, and Project Participants
3rd Edition
Scott L. Hoffman
Evans, Evans & Hoffman, LLP

This extensively updated third edition continues to be the most comprehensive and authoritative guide to the business, practice, law, and practical use of project finance. It covers the complete project finance structure, from conception to negotiation to debt closing, and from project difficulties to successful restructuring. The book continues to be accessible to those with little experience in project finance, while maintaining the insight and detail of previous editions that has made it a valuable reference for the experienced lawyer, manager, banker, contractor, and government official.

This new edition focuses on a real-world, practical approach to project finance, without the overuse of case studies and economic theory. Yet the contract forms, detailed glossary, index, and project finance bibliography ensure its continuing place as the most complete text available.


December 2007 253 x 177 mm 950pp
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The Iran-U.S. Claims Tribunal, concerned principally with the claims of U.S. nationals against Iran, is the most important international claims tribunal to have sat in over half a century. Its jurisprudence is bound to make a uniquely important contribution to international law and, in particular, the law relating to aliens. The series is the only complete and fully indexed report of the decisions of this unique Tribunal. These Reports are essential for all practitioners in the field of international claims, academics in private and public international law and comparative lawyers as well as all Governments and law libraries. Each volume contains a detailed consolidated index and tables of cases covering the whole series to date.

Contents: Consolidated table of cases; Year 2000 decisions and awards: United States of America and The Federal Reserve Bank of New York v. The Islamic Republic of Iran and Bank Markazi Iran; George E. Davidson (Homayounjah) v. The Government of the Islamic Republic of Iran; The Islamic Republic of Iran v. The United States of America; Bank Markazi Iran v. Federal Reserve Bank of New York; Aram Sabet, Karim Sabet and Reja Sabet v. The Islamic Republic of Iran; Year 2000 award on agreed terms: Frederica Lincoln Riahi v. The Government of the Islamic Republic of Iran; Year 2001 award on agreed terms: Avco Corporation v. Iran Aircraft Industries and The Islamic Republic of Iran; Year 2001 orders: United States of America and The Federal Reserve Bank of New York v. The Islamic Republic of Iran and Bank Markazi Iran; The Islamic Republic of Iran v. The United States of America; Year 2002 (no decisions or awards); index.

Iran-U.S. Claims Tribunal Reports

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20. State Marine Corporation and Currence v. United States of America [SPAIN];
21. Municipality of Vasteras v. Iceland [SWEDEN];
22. Application for Arrest Warrant against General Mofaz [UNITED KINGDOM-ENGLAND];
23. Re Bo Xilai [UNITED KINGDOM-ENGLAND];
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9. Afghanistan Political Persecution Case (Federal Constitutional Court (BVerfG) - Second Chamber, First Section) (Case Nos. 2 BvR 260 and 1353/98) [GERMANY];
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