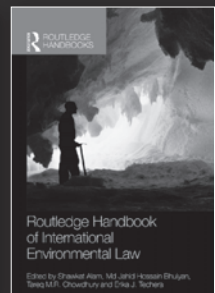
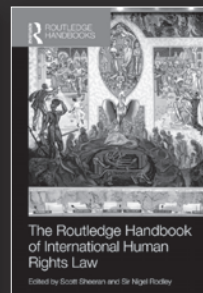
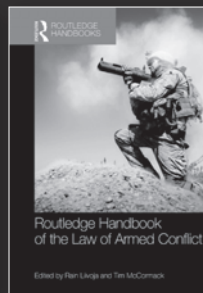
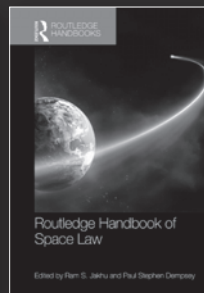
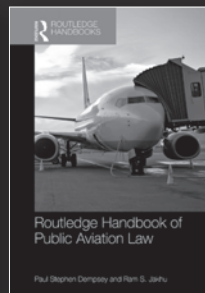
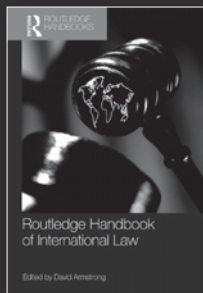




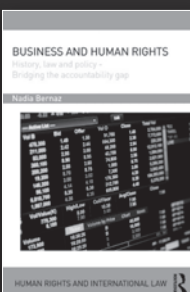
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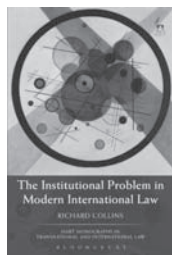
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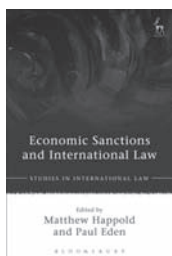
The Institutional Problem in Modern International Law

Richard Collins

Modern international law is widely understood as an autonomous system of binding legal rules. Nevertheless, this claim to autonomy is far from uncontroversial. International lawyers have faced recurrent scepticism as to both the reality and efficacy of the object of their study and practice. For the most part, this scepticism has focussed on international law's peculiar institutional structure, with the absence of centralised organs of legislation, adjudication and enforcement, leaving international legal rules seemingly indeterminate in the conduct of international politics. Perception of this 'institutional problem' has therefore given rise to a certain disciplinary angst or self-defensiveness, fuelling a need to seek out functional analogues or substitutes for the kind of institutional roles deemed intrinsic to a functioning legal system. The author of this book believes that this strategy of accommodation is, however, deeply problematic. It fails to fully grasp the importance of international law's decentralised institutional form in securing some measure of accountability in international relations. It thus misleads through functional analogy and, in doing so, potentially exacerbates legitimacy deficits. There are enough conceptual weaknesses and blindspots in the legal-theoretical models against which international law is so frequently challenged to show that the perceived problem arises more in theory, than in practice.

Richard Collins is a Lecturer in Law at University College Dublin.

Nov 2016 | 9781849465229 | 304pp | Hbk | RSP: \$94



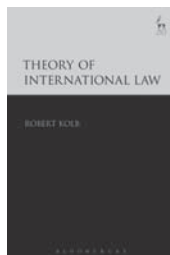
Economic Sanctions and International Law

*Edited by Matthew Happold
and Paul Eden*

In recent years sanctions have become an increasingly popular tool of foreign policy, not only at the multilateral level (at the UN), but also regionally (the EU in particular) and unilaterally. The nature of the measures imposed has also changed: from comprehensive sanctions regimes (discredited since Iraq in the 1990s) to 'targeted' or 'smart' sanctions, directed at specific individuals or entities (through asset freezes and travel bans) or prohibiting particular activities (arms embargoes and export bans). Bringing together scholars, government and private practitioners, *Economic Sanctions and International Law* provides an overview of recent developments and an analysis of the problems that they have engendered. Chapters examine the contemporary practice of the various actors, and the legality (or otherwise) of their activities. Issues considered include the human rights of persons targeted, and the mechanisms established to challenge their listing; as well as, in cases of sanctions imposed by regional organisations and individual states, the rights of third States and their nationals. The book will be of interest to scholars and practitioners of international law and politics.

Matthew Happold is Professor of Public International Law at the University of Luxembourg. He also practises as a barrister from 3 Hare Court, London.
Paul Eden is a Lecturer in Law at the University of Sussex.

Oct 2016 | 9781849465908 | 304pp | Hbk | RSP: \$108



Theory of International Law

Robert Kolb

This book seeks to analyse various aspects of international law, the link being how they structure and marshal the different forces in the international legal order. It takes the following approaches to the matter. First, an attempt is made to determine the fundamental characteristics of international law, the forces that delineate and permeate its applications. Secondly, the multiple relations between law and policy are analysed. Politics are a highly relevant factor in the implementation of every legal order (and also a threat to it); this is all the more true in international law, where the two forces, law and politics, have significant links. Thirdly, the discussion focuses on a series of fundamental socio-legal notions: the common good, justice, legal security, reciprocity (plus equality and proportionality), liberty, ethics and social morality, and reason.

Robert Kolb is Professor of Public International Law at the University of Geneva.

Oct 2016 | 9781782258803 | 512pp | Hbk | RSP: \$136



Interpretation of International Investment Treaties

Tarcisio Gazzini

This book offers a systematic study of the interpretation of investment-related treaties – primarily bilateral investment treaties, the Energy Charter Treaty, Chapter XI NAFTA as well as relevant parts of Free Trade Agreements. The importance of interpretation in international law cannot be overstated and, indeed, most treaty claims adjudicated before investment arbitral tribunals have raised and continue to raise crucial and often complex issues of interpretation. The interpretation of investment treaties is governed by the Vienna Convention on the Law of Treaties (VCLT). The disputes relating to these treaties, however, are rather peculiar as they place multinational companies (or natural person) in opposition to sovereign governments.

Fundamental questions dealt with in the study include: Are investment treaties a special category of treaty for the purpose of interpretation? How have the rules on interpretation contained in the VCLT been applied in investment disputes? What are the main problems encountered in investment-related disputes? To what extent are the VCLT rules suited to the interpretation of investment treaties? Have tribunals developed new techniques concerning treaty interpretation? Are these techniques consistent with the VCLT? How can problems relating to interpretation be solved or minimised? How creative have arbitral tribunals been in interpreting investment treaties? Are States capable of keeping effective control over interpretation?

Tarcisio Gazzini is Senior Researcher at the University of Lausanne.

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