

Chapter 2 Sherlock Holmes And The Mystery Of Jus Cogens

The Concept of Jus Cogens in the Law of Treaties Jus Cogens Peremptory Norms of General International Law (Jus Cogens) Understanding Jus Cogens in International Law and International Legal Discourse Jus Cogens and the Vienna Convention on the Law of Treaties Peremptory International Law - Jus Cogens Jus Cogens Peremptory Norms of General International Law (Jus Cogens) and the Prohibition of Terrorism The Fundamental Rules of the International Legal Order The Present and Future of Jus Cogens Rapports Et Travaux: The concept of Jus Cogens in international law (in English only) The International Law Commission's Draft Conclusions on Peremptory Norms Peremptory Norms (jus Cogens) in International Law The Doctrine of Jus Cogens in International Law Netherlands Yearbook of International Law 2015 The Concept of Rules of Jus Cogens in International Law Human Rights Law-making in the United Nations The Concept of Jus Cogens in International Law Contemporary Practice of Public International Law Cases and Materials on the International Legal System Christos L. Rozakis Dinah Shelton Dire Tladi Ulf Linderfalk Jerzy Sztucki Robert Kolb Thomas Weatherall Aniel Caro de Beer Christian Tomuschat Enzo Cannizzaro Dire Tladi Lauri Hannikainen Frederick Alexander Mann Maarten den Heijer Alfonso Barba Theodor Meron American Association of Law Libraries

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a revision of the author s thesis university of illinois

the doctrine of peremptory norms jus cogens is a set of core obligations in international law in this volume in the elements of international law series dinah shelton explores its origins and history its revival in the twentieth century and its place in international and domestic jurisprudence providing a fresh objective and non argumentative approach to the discipline of international law the elements series is an accessible go to source for practicing international lawyers judges and arbitrators government and military officers scholars teachers and students

beginning with the writings of grotius vattel and suarez sheldon shows how the theory of jus cogens drew upon roman law for its foundations in the subsequent chapter she considers the emergence of positivism and its rejection of any non consensual basis for binding states to international norms she then turns to the re emergence of jus cogens in theories of the twentieth century and its place in the modern law of treaties the volume includes extensive analysis of the interpretation of jus cogens obligations by international courts and tribunals as well as by various domestic courts including those of italy greece canada the us and the uk the volume concludes with a consideration of the place of jus cogens in modern scholarship

peremptory norms of general international law jus cogens disquisitions and dispositions brings together an impressive collection of authors addressing both conceptual issues and challenges relating to peremptory norms of general international covered themes in the edited collection include concepts relating to the identification of peremptory norms consequences of peremptory norms critiques of peremptory norms the relationship between peremptory norms and particular areas of international law as well as the peremptory status of particular norms of international law the contributions are presented from an array of scholars and experts with different perspective thus providing an interesting mosaic of thoughts on peremptory norms written against the backdrop of the ongoing work of the international law commission it exposes some tensions inherent in the jus cogens

whilst the concept of jus cogens has grown increasingly more important in public international law lawyers remain hugely divided both over what precisely confers a jus cogens status on a norm and what this conferral implies in terms of legal consequences in this ground breaking book ulf linderfalk clearly and succinctly explores the reasons for this divide in order to facilitate more rational and productive future discourse

robert kolb one of the leading international scholars of his generation offers a seminal survey of the question of peremptory international law the author analyses and systemises different questions such as the typology of peremptory norms beyond the vienna convention on the law of treaties here he distinguishes between public order jus cogens and mere public utility jus cogens furthermore what about relative jus cogens such as regional jus cogens norms or conventional jus cogens norms what about some consequences of jus cogens breaches in the law of state responsibility are the

this book provides a comprehensive political and legal examination of jus cogens a complex doctrine essential to contemporary international society

winner of the 2020 asil lieber prize in peremptory norms of international law and terrorism jus cogens and the prohibition of terrorism aniel de beer analyses the role of these norms jus cogens norms in the fight against terrorism jus cogens norms protect fundamental values of the international community are hierarchically superior and non derogable the author argues based on an analysis of the sources of international law that the prohibition of terrorism has become the jus cogens norm of our time she further considers the impact of the status of the prohibition of terrorism as a jus cogens norm on other norms of international law relevant in the fight against terrorism namely the prohibition of torture the right to a fair trial and the prohibition of the inter state use of force

this work the outgrowth of a joint reflection by french and german international

lawyers attempts to reconceptualize the doctrine of hierarchy in international law by emphasizing that a clear distinction should be drawn between primary rules which encapsulate precepts for the protection of the basic values of the international community and secondary rules which determine the regime of legal consequences flowing from a breach of such rules of conduct

this book gathers the contributions presented to the first edition of the gaetano morelli lectures held in the spring of 2014 on the present and future of jus cogens the first two chapters reproduce the two general courses by christian tomoschat and by pierre marie dupuy two short chapters by enzo cannizzaro and by beatrice bonafé address topics dealt with in the final seminar class

the international law commission's draft conclusions on peremptory norms examines the ilc's draft conclusions on peremptory norms of general international law it provides a broader understanding of the draft conclusions and offers an analysis and evaluation of the legal issues and consequences raised by the draft conclusions

jus cogens is a formidable yet elusive concept of international law since its incorporation in the vienna convention on the law of treaties some 35 years ago it has made tentative inroads into international legal practice but its role in international law is arguably less prominent than might have been expected on the basis of its powerful potential and in view of wider developments in international law that call for constitutionalisation and hierarchy including the processes of fragmentation and humanization this volume of the netherlands yearbook of international law sets out to clarify the concepts and doctrines relevant to jus cogens and to sharpen the debate on its theoretical foundations functions and legal effects to that purpose the volume brings together contributions on the genesis and function of jus cogens on the application of jus cogens in specialised areas of international law and on its enforcement and legal consequences together they reinforce the understanding of jus cogens as a hierarchical concept of international law and shed light on its potential for further development

examining in detail the international convention on the elimination of all forms of racial discrimination the convention on the elimination of all forms of discrimination against women and the international covenant on civil and political rights this book studies and critiques the methods employed by the united nations in adopting instruments to protect human rights pointing to many examples of unclear provisions and of overlap and conflict within a single instrument or between instruments meron concludes that the present system of law making is inadequate and suggests some reforms both of the institutions and of the process itself

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Introduction

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