Very Short Introductions online

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**Introduction**
Paul Wilkinson

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The ‘Introduction’ summarizes the various approaches to international relations. International relations is about more than the relationships between states and is a multidisciplinary subject. Although scepticism should be applied to any grand theory of international relations, there are three major approaches. Realist theory views international politics as a constant struggle for power. Liberal institutionalism takes a more optimistic view, suggesting that growing interdependence will strengthen international institutions and military power is becoming less relevant, and deconstructionism denies that objective truth can be found, merely distortions and subtexts. The 2006 war in Lebanon illustrates both the weakness of international law and institutions, and the limits of military force.

2. Where does international law come from?
Vaughan Lowe

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The rules of international law come from two main sources: treaties and customary international law, both of which are created by States. States are bound by the rules with which they have chosen to bind themselves—rules to which they have consented. ‘Where does international law come from?’ explains how international law works and considers the nature of customary international law and of treaties. Systems of customary law, including customary international law, are rooted in the regularity of an identified practice, whereas a treaty is an agreement between States that is legally binding. Often the broad principles set out in laws have to be mediated through detailed technical rules and standards.

**Environmental Law: A Very Short Introduction**
Elizabeth Fisher

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Environmental law is the law concerned with environmental problems. It is a vast area of law that operates from the local to the global, involving a range of different legal and regulatory techniques. In theory, environmental protection is obvious and ethically desirable. Yet, in practice, environmental law is a messy and complex business fraught with conflict. Environmental Law: A Very Short Introduction discusses the nature and practice of environmental law, and explores the role of lawmakers, courts, and regulators. It analyses why environmental law is both a fundamental and controversial area of law, dealing with multiple interests, socio-political conflicts, and the limits of knowledge about the environment, using examples from across the globe.

5. Expanding legal imagination

Elizabeth Fisher

The creation and operation of environmental law has forced lawyers to reflect upon and develop legal concepts, rules, and principles. This is because environmental law is not confined to the world of contract law in which two parties are legally bound by an agreement—an agreement that manages their legal expectations, obligations, and rights. Legal imagination is needed to develop law to respond to a world of multiple interconnected parties, scientific uncertainty, and socio-political conflict. ‘Expanding legal imagination’ discusses the growth of international environmental law; considers the differences between nuisance law and criminal law; and explains environmental impact assessments as well as legal standing and access to courts.

2. Legal positivism

Raymond Wacks

‘Legal positivism’ examines classical legal positivism as espoused by its two great protagonists, Jeremy Bentham and John Austin, as well as the approaches of modern legal positivists, including H. L. A. Hart and Joseph Raz, to the concept of law. The claim of natural lawyers that law consists of a series of propositions derived from nature through a process of reasoning is strongly contested by legal positivists. The core of legal positivism is the view that the validity of any law can be traced to an objectively verifiable source. Legal positivism rejects the view — held by natural lawyers — that law exists independently from human enactment.
1. Military command and military discipline
Eugene R. Fidell

To be effective, and something more than a collection of individuals with weapons, a military unit must be commanded. Commanders are responsible for achieving the unit’s objective, a function that requires them to ensure that subordinates will do as they are told. With this power comes responsibility. In some circumstances commanders can be penalized for the misconduct of subordinates. In the classical model of military justice, commanders played (and in some countries, such as the United States, still play) a powerful role. ‘Military command and military discipline’ considers the powers exercised by commanders in these commander-centric systems—in particular the disposition, or charging, power—and looks at efforts to reform these systems.

6. What international law does well
Vaughan Lowe

States cooperate in making and applying international law in circumstances where they are agreed upon the goals to be pursued, so that the law is employed to express a willing cooperation between them rather than to force rules upon them. ‘What international law does well’ considers the mechanisms of why and how States cooperate. Some arrangements are designed to facilitate transactions rather than to prescribe rules or standards. Examples include cooperation between legal systems and the United Nations. Key areas where international law has had success are in the international economy, through the World Trade Organization; humanitarian law and human rights; environmental protection; and the repression of criminal activity.

1. Nations under law
Vaughan Lowe

The most basic function of international law is to secure the coexistence of the world’s almost 200 sovereign States. ‘Nations under law’ explains the essential conditions of statehood under international law: having a permanent population; an effective government; a physical territory; the capacity to enter into relations with other States; and legitimacy as an independent State. International law provides for the security of States’ borders, and for
their right to be free from invasion and coercion by neighbouring States. It underpins the right of each State to choose its political, economic, and social structures.

1. Troubles
Elizabeth Fisher

Environmental problems are the troubles of politics, economics, and philosophy. They are often bitter troubles, revealing deep divisions in societies over how life should be lived. These divisions concern global environmental problems and also environmental issues that affect specific communities. ‘Troubles’ explains how environmental law is a necessary response to environmental problems providing legislation, case law, international agreements, and regulatory strategies to address the collective nature of environmental problems. It also ensures that collective action in relation to environmental problems is authoritative and consistent with the rule of law and other principles of legitimate action. Environmental law is built on existing legal frameworks, but often requires the development of new legal obligations and doctrine.

3. The substance of environmental law
Elizabeth Fisher

Environmental problems have a socio-political aspect, but they are also very real collective action problems that require collective responses. Law is the most legitimate and stable medium through which to foster and maintain collective responses to environmental problems. Environmental law has thus developed at all levels of government. It is a dense thicket of legislation, treaties, policies, regulatory strategies, and case law shaped by the complexities of many different environmental problems. ‘The substance of environmental law’ considers the diversity, material, and legal categorization of environmental law and the pursuit of stability. Environmental law is a complex field of legal practice embedded in a legal order that responds to the complexity of environmental problems.

4. The history of environmental law
Elizabeth Fisher

‘The history of environmental law’ explains that environmental problems have been inherent in civilization since the beginning and have needed collective management. It
tracks environmental issues and how societies managed them from ancient Rome to the Middle Ages, and then through to industrialization. The increasing international dimension of environmental problems is discussed, as well as the emerging environmentalism of the 1960s. The 1970s saw regional and international agreements signed in relation to a range of pollution and nature conservation issues, but there was disenchantment by the 2000s when environmental laws began to be seen as a threat to economic growth. Finally, the ultimate tragedy of the commons—climate change—is discussed.

6. The significance of nation states
Elizabeth Fisher

Environmental problems transcend the boundaries of nation states. That fact is a reminder of the physical reality of such problems, but—for good or ill—political and legal imagination is the product of political communities that cluster into nation states. ‘The significance of nation states’ looks at how environmental law is shaped by the legal culture of nation states. It also discusses the difference between civil law systems and common law systems. The internal constitutional arrangements of a country are fundamental to how environmental law develops in a particular legal culture. Is a ‘global environmental law’ emerging?

3. Implementing international law
Vaughan Lowe

States tend to comply with international law, but what happens if a State breaks a rule of international law? ‘Implementing international law’ considers the different ways in which international law is implemented—diplomatic protest through acts of retorsion, counter-measures, litigation, arbitration, and mediation. If litigation is necessary, most cases in which international law is applied arise in municipal courts and tribunals. Only a small proportion of cases that are decided by the application of rules of international law are taken to the International Court. Despite the increasing engagement between international law and individuals, the particular focus of international law remains fixed upon States and State responsibility.

3. The origins of public health into the 1700s
Virginia Berridge
Public health cannot be understood without a knowledge of its history. ‘The origins of public health into the 1700s’ considers the earliest roots of public health, 4,000 years ago in northern India. Going back centuries highlights clear continuities between public health responses in the deeper past and in more recent times. These centuries show the development of public health responses as part of the armoury of the modernizing state, in association with military and economic needs; punitive responses to epidemic disease including the practice of quarantine; the association between health and morality; and the beginnings of scientific enquiry into public health issues, specifically through the development of statistics.

7. What international law does badly (or not at all)

Vaughan Lowe

International law cannot manufacture agreement where none exists. For this reason, international law is not well suited to the promotion of innovative solutions to international problems where the interests of States are radically divergent. ‘What international law does badly (or not at all)’ considers this in relation to climate change and to the protection of commercial interests in proprietary drugs. Also, international law cannot itself deliver international justice. While the law is an invaluable instrument for the implementation of policies that aim to make the world more just—the special preferential treatment given to developing States within the World Trade Organization, for example—it will not miraculously produce justice and fairness of its own force.

6. The institutional peace

Oliver P. Richmond

‘The institutional peace’ introduces a form of peace that has been influential in the modern era, one that relies on international institutions and law to support the consolidation of a constitutional peace. This type of peace developed as the constitutional version of peace was becoming prominent during the Enlightenment. Institutional peace aims to anchor states within a specific set of values and shared legal context through which they agree on the way to behave. They also agree to police and enforce that behaviour. International law has been crucial for the institutional peace framework to produce a stable international order.

7. Nations, states, and global justice

David Miller
‘Nations, states, and global justice’ asks whether the political units we are most familiar with — nation-states — have now outlived their usefulness, and whether politics should now be seen as something that takes place on an international or even global scale. It examines the alternatives to the nation-state, such as Cosmopolitanism, and asks what a world government might be like and whether global justice could be achieved. It argues that being denied the opportunity for self-determination is a serious loss, since people need to feel in control of their own destiny. Even liberal societies attach great value to national self-determination, only relinquishing their rights of sovereignty with great reluctance.

The United Nations: A Very Short Introduction
Jussi M. Hanhimäki

The United Nations: A Very Short Introduction provides a brief history of the United Nations (UN), before examining its successes and failures as a guardian of international peace and security, as a promoter of human rights, as a protector of international law, and as an engineer of socio-economic development. The UN's various arms and organizations, such as UNESCO and UNICEF, are discussed along with a critical overview of the UN Security Council's involvement in recent crises in Iran, Afghanistan, Iraq, Ukraine, Libya, and Syria. Regardless of its obstacles, the UN is likely to survive for the foreseeable future, but it must confront new challenges in a rapidly changing world.

Anthony Arnull

European Law: A Very Short Introduction considers the laws and legal system of the European Union and discusses the range of issues that the European Union has been given the power to regulate, including the free movement of goods and people. It considers why an organization based on international treaties has proved capable of having far-reaching effects on both its Member States and on countries that lie beyond its borders, and discusses the effectiveness of its law and legal system in ensuring that Member States respect the commitments they made when they signed the Treaties.

Introduction
Anthony Arnull
The Introduction outlines the questions that this VSI attempts to answer. Why does the EU arouse such strong passions? As an organization based on international treaties, why has it proved capable of having such far-reaching effects on its Member States and their citizens and on countries that lie beyond its borders? Part of the explanation lies in its law and legal system, which have proved remarkably effective in ensuring that Member States respect the commitments made when they signed those treaties. But what exactly is EU law about? And how has it become part of the legal DNA of its Member States so much more effectively than other treaty-based regimes?