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Diplomatic Law: Commentary on the Vienna Convention on ...

Eileen Denza is a former Legal Councillor to the Foreign and Commonwealth Office. She was a visiting professor at University College, London from 1997 to 2008. She was the legal advisor to the UK...

Diplomatic Law: Commentary on the Vienna Convention on ...

Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations. By Eileen Denza. [Dobbs Ferry, N.Y.: Oceana Publications, Inc.; London: British Institute ...

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Eileen Denza. Diplomatic Law, Commentary on the Vienna Convention on Diplomatic Relations. Oxford: Oxford University Press, 2008, 3rd edition. Pp. 556. \$85.00. ISBN: 9780199216857. Rarely is an international law reference text, let alone an article-by-article commentary on a convention, both authoritative and enter-taining.

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Rarely is an international law reference text, let alone an article-by-article commentary on a convention, both authoritative and entertaining, Eileen Denza's third edition of Diplomatic Law is, however, an exception * Lance Bartholomeusz, UN Relief and Works Agency for Palestine, EJIL 20 * well structured, it is easy to use and has a comprehensive and useful table of cases dealing with the different interpretation and application of the Convention ... during my readings I recognized many ...

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The 1961 Vienna Convention on Diplomatic Relations has for over 50 years been central to diplomacy and applied to all forms of relations among sovereign States. Participation is almost universal. The rules giving special protection to ambassadors are the oldest established in international law and the Convention is respected almost everywhere. But understanding it as a living instrument requires knowledge of its background in customary international law, of the negotiating history which clarifies many of its terms and the subsequent practice of states and decisions of national courts which have resolved other ambiguities. Diplomatic Law provides this in-depth Commentary. The book is an essential guide to changing methods of modern diplomacy and shows how challenges to its regime of special protection for embassies and diplomats have been met and resolved. It is used by ministries of foreign affairs and cited by domestic courts world-wide. The book analyzes the reasons for the widespread observance of the Convention rules and why in the special case of communications - where there is flagrant violation of their special status - these reasons do not apply. It describes how abuse has been controlled and how the immunities in the Convention have survived onslaught by those claiming that they should give way to conflicting entitlements to access to justice and the desire to punish violators of human rights. It describes how the duty of diplomats not to interfere in the internal affairs of the host State is being narrowed in the face of the communal international responsibility to monitor and uphold human rights.

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'.. this work is intended to provide an in-depth analysis of each and every provision of the 1951 Convention and its 1967 Protocol. Special contributions on topics that cut across various provisions or that provide an overview over developments in certain regions of the world complement this Commentary.'

2nd edition published in 1990.

The International Court of Justice is the principal judicial organ of the United Nations and plays a central role in both the peaceful settlement of international disputes and the development of international law. This comprehensive Commentary on the Statute of the International Court of Justice, now in its second edition, analyses in detail not only the Statute of the Court itself but also the related provisions of the United Nations Charter as well as the relevant provisions of the Court's Rules of Procedure. Five years after the first edition was published, the second edition of the Commentary embraces current events before the International Court of Justice as well as before other courts and tribunals relevant for the interpretation and application of its Statute. The Commentary provides a comprehensive overview and analysis of all legal questions and issues the Court has had to address in the past and will have to address in the future. It illuminates the central issues of procedure and substance that the Court and counsel appearing before it face in their day-to-day work. In addition to commentary covering all of the articles of the Statute of the ICJ, plus the relevant articles of the Charter of the United Nations, the book includes three scene-setting chapters: Historical Introduction, General Principles of Procedural Law, and Discontinuation and Withdrawal. The second edition of the Commentary adds two important and instructive chapters on Counter-Claims and Evidentiary Issues. The combination of expert editors and commentators, and their assessment of new developments in the important work of the ICJ, make this a landmark publication in the field of international law.

The Charter of Fundamental Rights of the European Union enshrines the key political, social and economic rights of EU citizens and residents in EU law. In its present form it was approved in 2000 by the European Parliament, the Council of Ministers and the European Commission. However its legal status

remained uncertain until the entry into force of the Treaty of Lisbon in December 2009. The Charter obliges the EU to act and legislate consistently with the Charter, and enables the EU's courts to strike down EU legislation which contravenes it. The Charter applies to EU Member States when they are implementing EU law but does not extend the competences of the EU beyond the competences given to it in the treaties. This Commentary on the Charter, the first in English, written by experts from several EU Member States, provides an authoritative but succinct statement of how the Charter impacts upon EU, domestic and international law. Following the conventional article-by-article approach, each commentator offers an expert view of how each article is either already being interpreted in the courts, or is likely to be interpreted. Each commentary is referenced to the case law and is augmented with extensive references to further reading. Six cross-cutting introductory chapters explain the Charter's institutional anchorage, its relationship to the Fundamental Rights Agency, its interaction with other parts of international human rights law, the enforcement mechanisms, extraterritorial scope, and the all-important 'Explanations'.

The increasingly sophisticated constitution of the European Union takes account of the fact that different areas of law and policy need to be tackled in different ways - some can be the subject of centralized decision-making, whilst others can only be dealt with at the intergovernmental level. This reality is represented in the European Union's three pillar structure. The best known pillar is the most centralized one - the EC. There are however two intergovernmental pillars - dealing with the common foreign and security policy and cooperation in justice and home affairs - which are becoming increasingly important. In this ground breaking examination of the public international law and Community methods used within the European Union, the author argues that the intergovernmental pillars have created possibilities for cooperation in areas where it would previously have been unthinkable.

This book, in its effort to formulate compatibility between Islamic law and the principles of international diplomatic law, argues that the need to harmonize the two legal systems and have a thorough cross-cultural understanding amongst nations generally with a view to enhancing unfettered diplomatic cooperation should be of paramount priority.

Few topics of international law speak to the imagination as much as international immunities. Questions pertaining to immunity from jurisdiction or execution under international law surface on a frequent basis before national courts, including at the highest levels of the judicial branch and before international courts or tribunals. Nevertheless, international immunity law is and remains a challenging field for practitioners and scholars alike. Challenges stem in part from the uncertainty pertaining to the customary content of some immunity regimes said to be in a 'state of flux', the divergent – and at times directly conflicting - approaches to immunity in different national and international jurisdictions, or the increasing intolerance towards impunity that has accompanied the advance of international criminal law and human rights law. Composed of thirty-four expertly written contributions, the present volume uniquely provides a comprehensive tour d'horizon of international immunity law, traversing a wealth of national and international practice.