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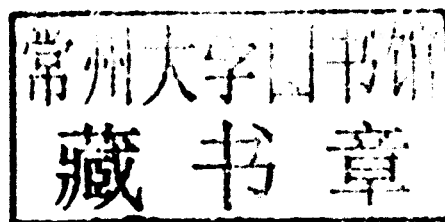
INTERNATIONAL LAW FOR INTERNATIONAL RELATIONS

BAŞAK ÇALI



INTERNATIONAL LAW *FOR* INTERNATIONAL RELATIONS

Edited by
Başak Çalı



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Preface

International law has become a key element of any politics and international relations degree. The existing range of international law textbooks for the student of law, while excellent, is inadequate for the student of international relations who has no prior legal background and comes to the field with more knowledge and understanding of how states behave rather than what rules regulate state behaviour. The breadth of international law and institutions in contemporary global politics means that it is no longer possible to make sense of international politics without understanding international law and the complex regulatory frameworks that exist in international relations. This textbook gives the student that understanding for use in the real world or in further academic study.

This textbook provides the international relations student with what he or she needs to understand about international law in three ways. It maps out the different ways to approach the study of international law, explains the main sources of international law-making, and identifies the key topics of international law. Throughout, the book balances the technical, legal knowledge necessary to understand the nuances of international law with the broader political processes that shape both the content and effectiveness of international law. The intricacies of international law are presented accessibly to animate both the learning of international law and its evaluation. With this approach, *International Law for International Relations* aims to introduce the student to the international law perspective of international relations and how this perspective differs from other approaches in international relations.

This book has been lucky to have benefited from submissions from an exceptional group of academics and practitioners in the fields of international law and international relations. For their hard work and effort I thank them. Every author is an expert in his or her field and has either experience teaching international law to politics students or using international law in real-world political situations. The contributors have made the subject matter accessible and have reflected carefully on the bearing international law has on the international issues it addresses. This means that the book draws a very rich and diverse picture of international law and enables the student to see the different patterns of interaction between law and politics in each topic.

Finally, thanks have to be given to Sabina Appelt. Everything the contributors wrote was reviewed by Sabina and what started out as a student perspective soon turned into full-blown editing. It is a credit to Sabina that every chapter has

vi Preface

substantively improved throughout the editorial process. Her speed, hard work, and sense of humour kept the process on track. I would also like to thank Elizabeth Griffin and the editors at OUP for their help and support and, of course, Sam for casting a layman's eye over the text and making the coffee.

Başak Çalı

Guided Tour of Learning Features

This book is enriched with a range of learning tools to help you navigate the text and reinforce your knowledge of International Law. This guided tour shows you how to get the most out of your textbook package.

CHAPTER CONTENTS

- Introduction
- What is international law?
- The relationship between international law and international relations
- Why study international law?
- Conclusion

- Introduction
- What is international law?

Chapter Overviews

Brief overviews at the beginning of every chapter set the scene for upcoming themes and issues to be discussed, and indicate the scope of coverage within each chapter.

Box 1.1

Box 1.1 The cynic and international law

The cynic regards international law as the enterprise of a wishful thinker, or the realm of the fool who does not understand transparency, and the possibilities of iterated interaction to overcome problems of collective action. Liberals are the only ones who have been able to use to get their own way. This view cannot be correct. The cynic cannot see the continuing existence of international law as an idea and as a practice, that international law is merely a means of manipulation, why was international law created?

The cynic

Boxes, Tables and Case Studies

Throughout the book boxes, tables, and case studies provide you with extra information on particular topics that complement your understanding of the main chapter text.

vergence as a means for states to reach cooperation on common interests. International norms and rules created through transparency, and the possibilities of iterated interaction to overcome problems of collective action. Liberals are the only ones who have been able to use to get their own way. This view cannot be correct. The cynic cannot see the continuing existence of international law as an idea and as a practice, that international law is merely a means of manipulation, why was international law created?

problems of collective action on international law have been

Glossary Terms

Key terms appear in bold in the text and are defined in a glossary at the end of the book to aid you in exam revision.

Questions

1. What is international law and how is it different from domestic law?
2. What are the areas regulated by international law?
3. What does the sceptic say about international law?
4. What do you think is the most significant difference between international law and domestic law?

Questions

Questions

A set of carefully devised questions has been provided to help you assess your understanding of core themes, and may also be used as the basis of seminar discussion or coursework.

Further reading

Simmons, B. and Steinberg, R. H. (2006) (eds.), *International Law and International Relations* (Cambridge: Cambridge University Press). An excellent collection of essays on different permutations of the relationship between the disciplines of international law and international relations.

Simmons, B. and Steinberg, R. H. (2006) (eds.), *International Law and International Relations* (Cambridge: Cambridge University Press). An excellent collection of essays on different permutations of the relationship between the disciplines of international law and international relations.

Further reading

Further Reading

Reading lists have been provided as a guide to finding out more about the issues raised within each chapter and to help you locate the key academic literature in the field.

Websites

<http://www.chathamhouse.org.uk> The website of the Royal Institute of International and Domestic Law provides an interesting overview of what—*from a UK perspective*—and pressing contemporary topics in the area of international relations.

<http://www2.etown.edu/vl/> This internet directory brings together over 200 sources of information and analysis in a wide range of international affairs, in particular international relations topics.

Websites

Important Websites

At the end of most chapters you will find an annotated summary of useful websites, which will be instrumental in further research.

Guided Tour of the Online Resource Centre

www.oxfordtextbooks.co.uk/orc/cali/

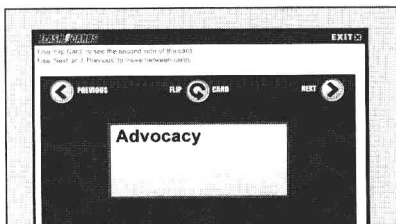
The screenshot shows the Oxford Online Resource Centre interface. At the top, it says 'OXFORD ONLINE RESOURCE CENTRE' and 'Cali: International Law for International Relations'. A search bar is visible. The main content area is titled 'Cali: International Law for International Relations' and 'Select resources by type'. There are two main sections: 'Student resources' and 'Lecturer resources'. The 'Student resources' section includes: 'Flashcard glossary', 'Problem-solving questions', 'Revision tips', 'Video files', 'Interactive flashcards', 'Problem-solving questions', 'Revision tips', 'A checklist of the key points from each chapter to help you focus your revision', and 'Links to useful sites for further information and research'. The 'Lecturer resources' section includes: 'PowerPoint slides', 'Not yet registered for a password?' (with steps 1 and 2), 'Already registered for a password?', and 'PowerPoint slides'. On the right side, there are links for 'About the book', 'Sample Content', and 'Keep me updated about this site'.

The Online Resource Centre that accompanies this book provides students and instructors with ready-to-use teaching and learning materials. These resources are free of charge and designed to maximize the learning experience.

FOR STUDENTS:

Flashcard Glossary

A series of interactive flashcards containing key terms and concepts have been provided to test your understanding of the terminology of International Law.



Chapter 7

Situation:

You work for an NGO which campaigns for the rights of undocumented migrants. One issue is and education for undocumented migrants. Undocumented migrants in your country still do not order to go to the doctor, or to register for school. people have to present their documents at domestic level. How do you want to convince your colleagues to also campaign internationally?

How to go about this?

- Identify the reasons to campaign internationally rather than domestically. What are they directly?
- Research what the state of international law is on the issue of migrants, in particular healthcare – what are the gaps?

Call: International Law for International Relations

Chapter 7

- States are the ultimate repository of law making power in the international law system. exerted influence over the development and enforcement of international law.
- Remember to define your terms. In this chapter, NGOs are defined as organisations with the purpose of actively advancing a political or social agenda (international relations entrepreneurs – see Finnemore and Sikkink 1996).
- Human rights, humanitarianism, protection of the environment, fighting impunity for international rights are some issue areas where NGOs have played an important role in international law.

Chapter 6

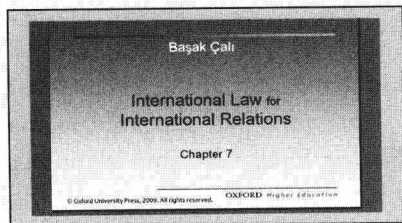
www.nyu.edu/global/eng/programs/Customary_International_Law.htm
This website is a useful tool set up by New York University Law School to help students research.

www.un.org/law/ilc/
The International Law Commission plays an important role in the progressive development of up-to-date information on its work.

www.ictj.org/doc/ictj/index.php?title=35p2c45k-w18p0-3kr-ase-00
The International Court of Justice's website gives access to its materials, among other relations.

www.un.org/documents/asp/aspa.htm
All the resolutions taken by the UN General Assembly are published on this website.

www.un.org/asp/asp/asp.htm
The United Nations Sixth Committee, along with the ILC, undertakes to codify already existing



Problem-solving Questions

For each International Law topic a problem-question is posed, together with a list of key considerations and a guide to sources of information to help you go about solving it.

Revision Tips

A checklist of the key points from each chapter is provided to help you to focus your revision.

Web Links

A series of annotated web links have been provided to point you in the direction of different theoretical debates, important treaties, working papers, articles and other relevant sources of information.

FOR INSTRUCTORS:

PowerPoint® Presentations

These complement each chapter of the book and are a useful resource for preparing lectures and handouts. They allow lecturers to guide students through the key concepts and can be fully customized to meet the needs of the course.

Contributors

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xxiv Contributors

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Abbreviations

AI	Amnesty International
ASEAN	Association of South East Asian Nations
BYBIL	British Year Book of International Law
CACJ	Central American Court of Justice
CAN	Computer Network Attack
CEDAW	Committee on the Elimination of Discrimination against Women
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CIL	Customary International Law
CLS	Critical Legal Studies
CoE	Council of Europe
CSCE	Conference for Security and Cooperation in Europe
ECE	Economic Commission for Europe
ECJ	European Court of Justice
ECOSOC	Economic and Social Council
ECOWAS	Economic Community of West African States
EEZ	Exclusive Economic Zones
EFTA	European Free Trade Association
EHS	Environmental, Health and Safety
EIA	Environmental Impact Assessment
EU	European Union
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
HGA	Host Government Agreement
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IFC	International Finance Corporation
IGO	Inter-Governmental Organizations
IHL	International Humanitarian Law

IHRL	International Human Rights Law
IL	International Law
IMF	International Monetary Fund
IMO	International Maritime Organization
IMT	International Military Tribunal at Nuremberg
IO	International Organization
IR	International Relations
ITLOS	International Tribunal for the Law of the Sea
MAI	Multilateral Agreement on Investment
MEA	Multilateral Environmental Agreement
MFN	Most-Favoured Nation
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
NPT	Nuclear Non-Proliferation Treaty
OAS	Organization of American States
ONUB	United Nations Operation in Burundi
OSCE	Organization for Security and Cooperation in Europe
PCIL	Permanent Court of International Justice
PIL	Public International Law
PKK	Parti Karkerani Kurdistan (Kurdistan Workers' Party)
PLO	Palestinian Liberation Organization
PMC	Private Military Company
SACU	South African Customs Union
SC	Security Council
SCM Agreement	Agreement on Subsidies and Countervailing Measures
SEA	Strategic Environmental Assessment
SPS Agreement	Sanitary and Phytosanitary Agreement
TBT Agreement	Technical Barriers to Trade Agreement
TIA	Transnational Investment Agreement
TMR	Transnistrian Moldovan Republic
TNC	Transnational Corporation
TRIPS	Trade-Related Aspects of Intellectual Property Rights
TRNC	Turkish Republic of Northern Cyprus
TWAIL	Third World Approaches to International Law
UDHR	Universal Declaration of Human Rights
UKMIL	United Kingdom Materials in International Law
UN	United Nations

xxxii Abbreviations

UNCHE United Nations Convention on the Human Environment

UNCLOS United Nations Convention on the Law of the Sea

UNDP United Nations Development Programme

UNEF United Nations Emergency Force

UNGA United Nations General Assembly

UNMIK United Nations Mission in Kosovo

USSR Union of Soviet Socialist Republics

VCLT Vienna Convention on the Law of Treaties

WCED World Commission on Environment and Development

WTO World Trade Organization

WWI World War One

WWII World War Two

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