

1. Record Nr.	UNINA9910455085203321
Titolo	The role of domestic courts in treaty enforcement : a comparative study // edited by David Sloss [[electronic resource]]
Pubbl/distr/stampa	Cambridge : , : Cambridge University Press, , 2009
ISBN	1-107-19880-1 0-511-69973-5 1-107-63374-5 1-282-33679-7 9786612336799 0-511-63456-0 0-511-63500-1 0-511-63279-7 0-511-63158-8 0-511-63399-8
Descrizione fisica	1 online resource (xxix, 626 pages) : digital, PDF file(s)
Disciplina	341.3/7
Soggetti	Treaties International and municipal law Jurisdiction Jurisdiction (International law)
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Title from publisher's bibliographic system (viewed on 05 Oct 2015).
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Treaty enforcement in domestic courts : a comparative analysis / David Sloss -- Does international law obligate states to open their national courts to persons for the invocation of treaty norms that protect or benefit persons? / Sean D. Murphy -- Australia / Donald R. Rothwell -- Canada / Gib van Ert -- Germany / Andreas L. Paulus -- India / Nihal Jayawickrama -- Israel / David Kretzmer -- The Netherlands / Andre Nollkaemper -- Poland / Lech Garlicki, Magorzata Masternak-Kubiak, and Krzysztof Wojtowicz -- Russian Federation / William E. Butler -- South Africa / John Dugard -- United Kingdom / Anthony Aust -- United States / David Sloss -- The role of domestic courts in treaty

enforcement : summary and conclusions / Michael P. Van Alstine.

Sommario/riassunto

This book examines the application of treaties by domestic courts in twelve countries. The central question is whether domestic courts actually provide remedies to private parties who are harmed by a violation of their treaty-based rights. The analysis shows that domestic courts in eight of the twelve countries - Australia, Canada, Germany, India, the Netherlands, Poland, South Africa, and the United Kingdom - generally do enforce treaty-based rights on behalf of private parties. On the other hand, the evidence is mixed for the other four countries: China, Israel, Russia, and the United States. In China, Israel, and Russia, the trends are moving in the direction of greater judicial enforcement of treaties on behalf of private parties. The United States is the only country surveyed where the trend is moving in the opposite direction. US courts' reluctance to enforce treaty-based rights undermines efforts to develop a more cooperative global order.
