1. Record Nr. UNINA9910915708103321 Autore Iwasawa Yuji **Titolo** Domestic Application of International Law: Focusing on Direct Applicability / / Yuji Iwasawa Leiden; ; Boston:,: Brill | Nijhoff,, 2022 Pubbl/distr/stampa **ISBN** 9789004523401 Edizione [1st ed.] Descrizione fisica 1 online resource (344 pages) Collana International Law in Japanese Perspective;; 15 Disciplina 341 Soggetti International and municipal law International law Effectiveness and validity of law **EU Law** Hague Academy International Law: Regional Perspectives Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Nota di bibliografia Includes bibliographical references and index. Half Title -- Series Information -- Title Page -- Copyright Page --Nota di contenuto Contents -- Preface -- Abbreviations -- Table of Cases -- Chapter 1 Introduction -- A Increasing Importance of the Domestic Application of International Law -- B Incorporation of International Law -- C Different Sources of the Concept of Direct Applicability -- Chapter 2 Concept of Direct Applicability: The International Approach -- A Advisory Opinion of the Permanent Court of International Justice on Jurisdiction of the Courts of Danzig -- B The International Approach -- 1 The International Covenant on Civil and Political Rights -- 2 The International Covenant on Economic, Social and Cultural Rights -- 3 The European Convention on Human Rights -- 4 The American Convention on Human Rights -- 5 The Genocide Convention -- 6 The European Social Charter -- 7 The ilo Conventions -- 8 The Paris

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Sommario/riassunto

This book is a comprehensive study on the application of international law in domestic law, with a particular focus on the concept of direct applicability. It critically examines the domestic application of international law and puts forward a new framework.

Domestic Application of International Law analyses the domestic application of international law, with a particular focus on the concept of direct applicability. It critically examines the relevant doctrine and practice and proposes a new analytical framework. It argues, inter alia, the following: direct applicability is a question of domestic law; international law is presumed to be directly applicable; the criteria for direct applicability are grounds to exclude rather than establish direct applicability; the positive intent of the parties should not be considered a criterion; domestic legal force is a prerequisite for direct applicability; a relative approach to direct applicability should be adopted.