

1. Record Nr.	UNINA9910962242003321
Autore	Nollkaemper Andre
Titolo	National Courts and the International Rule of Law
Pubbl/distr/stampa	Oxford, : OUP Oxford, 2011
ISBN	1-283-97491-6 0-19-165282-2 0-19-165283-0
Edizione	[1st ed.]
Descrizione fisica	1 online resource (384 p.)
Disciplina	341.04
Soggetti	International and municipal law International law Jurisdiction (International law) Law, Politics & Government Law, General & Comparative
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references (p. [305]-329) and index.
Nota di contenuto	Cover; Table of Contents; Table of International Cases; Table of Domestic Cases; Table of Domestic Legislation; Table of Treaties; Table of International Instruments; List of Abbreviations; 1 Introduction; 1. The Quest for the International Rule of Law; 2. Filling the Missing Link- The Role of National Courts; 3. Functions; 4. The Complementary Nature of Legal Systems; 5. The Problem: The Double Bind; 6. Approach and Method; I: CONDITIONS; 2 Jurisdiction; 1. The Indirect Nature of Jurisdiction-Regulating Rules; 2 The Primary Role of National Courts; 3 Concurrent Jurisdiction 4. International Sources of Judicial Power5. The Complementary Role of National Law; 3 Independence; 1. The Problem; 2. The Power of Independence; 3. Obligations; 4. Incentives; 5. The Complementary Role of National Law; 4 Applicable Law; 1. The Neutrality of International Law; 2. The Complementary Role of National Law; 3. Considerations of Legal Policy; 4. Procedural Law; 5 Standing; 1. The Concept of Standing; 2. Interstate Claims; 3. Private Claims; 4. The Complementary Role of National Law; II: THE APPLICATION OF INTERNATIONAL LAW; 6 Direct Effect; 1. The Concept

2. The Power of Direct Effect3. International Legal Nature of the Concept; 4. Conditions; 7 Consistent Interpretation; 1. The Concept; 2. The Power of Consistent Interpretation; 3. Basis of Consistent Interpretation; 4. Principles of Administrative Review; 5. Limits; 8 Reparation; 1. Situations in which the Question of Reparation May Arise; 2. Foundation of the Domestic Effect of International Principles of Reparation; 3. Domestication of Principles of Reparation; 4. Translation; 5. Forms of Reparation; III: EXTERNAL EFFECTS; 9 Fragmentation; 1. Causes
2. The International Quality of Domesticated International Law3. The Unifying Role of Decisions of Courts; 10 Authority; 1. Situations in which the Question of Authority May Arise; 2. Beyond Facts; 3. Bases of Authority; 4. Determination and Development of International Law; 11 Supremacy Restrained; 1. Domestic Resistance to the Supremacy of International Law; 2. The Formality of the Principle of Supremacy; 3. An Integrative Perspective; 4. An International Solution?; 5. Supremacy Restrained; IV: CONCLUSION
12 Concluding Remarks: Bringing Together the International and the National Rule of LawBibliography; Index; A; B; C; D; E; F; G; H; I; J; K; L; M; N; O; P; R; S; T; U; V; W; Z

Sommario/riassunto

This book explores the way domestic courts contribute to the maintenance of the international of law by providing judicial control over the exercises of public powers that may conflict with international law. The main focus of the book will be on judicial control of exercise of public powers by states. Key cases that will be reviewed in this book, and that will provide empirical material for the main propositions, include Hamdan, in which the US Supreme Court reviewed detention by the United States of suspected terrorists against the 1949 Geneva Conventions; Adalah, in which the Supreme Court of
