

# Researching the European Court of Justice

*Methodological Shifts and Law's Embeddedness*

Edited by Mikael Rask Madsen, Fernanda G. Nicola  
and Antoine Vauchez

STUDIES ON INTERNATIONAL COURTS AND TRIBUNALS



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**Transplanting International Courts** Karen J. Alter, Laurence R. Helfer, 2017-04-06 Transplanting International Courts provides a deep systematic investigation of the most active and successful transplant of the European Court of Justice The Andean Tribunal is effective by any plausible definition of the term but only in the domain of intellectual property law Alter and Helfer explain how the Andean Tribunal established its legal authority within and beyond this intellectual property island and how Andean judges have navigated moments of both transnational political consensus and political contestation over the goals and objectives of regional economic integration By letting member states set the pace and scope of Andean integration by condemning unequivocal violations of Andean rules and by allowing for the coexistence of national legislation and supranational authority the Tribunal has retained its fidelity to Andean law while building relationships with nationally based administrative agencies lawyers and judges Yet the Tribunal's circumspect and formalist approach means that unlike in Europe Community law is not an engine of integration The Tribunal's strategy has also limited its influence within the Andean legal system Transplanting International Courts also revisits the authors path breaking scholarship on the effectiveness of international adjudication Alter and Helfer argue that the European Court of Justice benefitted in underappreciated ways from the support of jurist advocacy movements that are absent or poorly organized in the Andes and elsewhere in the world The Andean Tribunal's longevity despite these and other challenges offers guidance for international courts in other developing country contexts Moreover given that the Andean Community has weathered member state withdrawals and threats of exit major economic and political crises and the retrenchment of core policies such as the common external tariff the Andean experience offers timely and important lessons for Europe's international courts

**Domestic Judicial Treatment of European Court of Human Rights Case Law** David Kosař, Jan Petrov, Katarína Šipulová, Hubert Smekal, Ladislav Vyhnánek, Jozef Janovský, 2020-02-28 The European Court of Human Rights ECtHR suffers from the burgeoning caseload and challenges to its authority This two pronged crisis undermines the ECtHR's legitimacy and consequently the functioning of the whole European human rights regime Domestic courts can serve as welcome allies of the Strasbourg Court They have a potential to diffuse Convention norms domestically and therefore prevent and filter many potential human rights violations Yet we know very little about how domestic courts actually treat the Strasbourg Court's rulings This book brings unique empirical findings on how often how and with what consequences domestic judges work with the ECtHR's case law It moves beyond the narrow concept of compliance and develops a new three level methodology for analysing the role played by domestic courts in the implementation of ECtHR case law Moreover using the example of Czechia it shifts the attention from Western countries to a more volatile Central and Eastern European region which has recently witnessed democratic backsliding and backlash against international checks on human rights and the rule of law standards Looking at a wider social and legal context this book identifies factors helping transitional countries to adapt to

regional human rights regimes The work will be an essential resource for students academics and policy makers working in the areas of Constitutional law Politics and Human Rights law Its global appeal is enhanced by the methodological framework which is applicable in other international systems The European Court of Justice and International Courts Tobias

Lock,2015-10-08 The Court of Justice of the European Union has exclusive jurisdiction over European Union law and holds a broad interpretation of these powers This however may come into conflict with the jurisdiction of other international courts and tribunals especially in the context of so called mixed agreements While the CJEU considers these integral parts of EU law other international courts will also have jurisdiction in such cases This book explores the conundrum of shared jurisdiction analysing the international legal framework for the resolution of such conflicts and provides a critical and comprehensive analysis of the CJEU s far reaching jurisdiction suggesting solutions to this dilemma The book also addresses the special relationship between the CJEU and the European Court of Human Rights The unique interaction between these two bodies raises fundamental substantive concerns about overlaps of jurisdiction and interpretation in the courts Conflicts of interpretation manage largely to be avoided by frequent cross referencing which also allows for much cross fertilization in the development of European human rights law The link between these two courts is the subject of the final section of the book

**Regionalism in International Law** Ján Klučka,2017-12-01 International Law Aspects of Regionalism evaluates regionalism in its various relationships and forms with respect to international law as well as the importance and duties of international law in respect to the establishment and functioning of various forms of regional groups A great deal of attention has been paid to regionalism from the global political economic security aspects but a complex evaluation of the impact it has had on international law and vice versa is still lacking The main purpose of this volume is to eliminate this gap and present the latest state of knowledge on the topic This text will be of interest both to students at an advanced level academics and reflective practitioners It addresses the topics with regard to international law and regionalism and will be of interest to academics dealing with legal aspects of current regionalism and for the specialized courses in the faculties of law as well as anyone studying diplomacy and international studies international relations regional integration law EU law international law and international relations

**Identity and Diversity on the International Bench** Freya Baetens,2020-12-10 International courts and tribunals hold the power to decide on questions involving sovereignty over territory grave human rights violations international crimes or millions of euros worth of economic interests Judges and arbitrators are the faces and arguably the drivers of international adjudication Yet certain groups tend to be overrepresented on international benches while others remain underrepresented Although international courts and tribunals differ in their institutional make up and functions they all rely in essence on the judgement of a group of individuals each with their own background and experience Even if adjudicators identity is not the only and may not be the decisive influence on their decision making the relative lack of diversity has an effect on the judicial process and its outcomes which in turn entails broader implications for the legitimacy

of international law This book analyses the implications of identity and diversity across numerous international adjudicatory bodies focusing on a wide range of factors Lack of diversity within the judiciary has been identified as a legitimacy concern in domestic settings and the last few years have seen increasing attention to this question at the international level as well making the book both timely and topical

**The UK Media Law Pocketbook** Tim Crook,2022-11-30 The second edition of The UK Media Law Pocketbook presents updated and extended practical guidance on everyday legal issues for working journalists and media professionals This book covers traditional print and broadcast as well as digital multimedia such as blogging and instant messaging with clear explanations of new legal cases legislation and regulation and new chapters on freedom of information and social media law Links to seven new online chapters allow readers to access all the most up to date laws and guidance around data protection covering inquests courts martial public inquiries family courts local government and the media law of the Channel Islands and the Isle of Man Tim Crook critically explores emerging global issues and proposals for reform with concise summaries of recent cases illustrating media law in action as well as tips on pitfalls to avoid The UK Media Law Pocketbook is a key reference for journalists and media workers across England Wales Scotland and Northern Ireland The book's companion website provides downloadable sound files video summaries and updates all the developments in one of the most dynamic and rapidly changing fields of law Visit <https://ukmedialawpocketbook.com>

**Strategic Litigation and Corporate Complicity in Crimes Under International Law** Kalika Mehta,2023-10-09 This book provides a comprehensive account of how non state actors rely on international criminal law as a tool in the service of progressive political causes The argument that international criminal law and its institutions serve as an instrument in the hands of a few powerful states and that its practice is characterized by double standards and selectivity has received considerable attention This book however focuses on a practice that is informed by this argument Its focus is on an alternative practice within international criminal law where non state actors navigate what critical scholars call a structurally biased legal system in order to achieve long term political objectives Innovatively the book combines the concerns expressed by Third World Approaches to International Law with strategic litigation that focuses on the accountability of corporations for their complicity in crimes under international law Analysing this litigation the book demonstrates that while it is crucial to highlight the blind spots of the international criminal legal framework it is also important to take into account the practice of non state actors engaged in leveraging its emancipatory potential This original analysis of the implementation and legitimacy of international criminal law will be of interest to a wide range of scholars and activists working in relevant areas of law politics criminology and international relations *Judicial Division Record* ,2002

*International Legal Materials* , **Legal Action** ,1998 **Parliamentary Debates (Hansard)**. Great Britain. Parliament. House of Commons,2012

**Human Rights Norms in 'Other' International Courts** Martin Scheinin,2019-07-25 Examines the role and impact of human rights norms in international courts other than human rights

courts *Denver Journal of International Law and Policy* ,2014 International Courts and the Development of International Law Nerina Boschiero,Tullio Scovazzi,Cesare Pitea,Chiara Ragni,2013-03-15 This book contains a collection of essays by leading experts linked to the outstanding characteristics of the scholar in honour of whom it is published Tullio Treves who combines his academic background with his practical experiences of a negotiator of international treaties and a judge of an international tribunal It covers international public and private law related to international courts and the development of international law Under Article 38 of its Statute the International Court of Justice can apply judicial decisions only as a subsidiary means for the determination of rules of law However there are many reasons to believe that international courts and tribunals do play quite an important role in the progressive development of international law There are a number of decisions which are inevitably recalled as the first step or a decisive step in the process of the formation of a new rule of customary international law In these cases can the judge be considered as a subsidiary of others Are these cases compatible with the common belief that a judge cannot create law Is this a peculiarity of international law which is characterized by the existence of several courts but the lack of a legislator Do decisions by different courts lead to the consequence of a fragmented international law This volume provides the reader with an elaboration of various questions linked to the legislative role of courts In their choices of subjects some contributors have taken into account the general aspects of the development of international rules through court decisions or specific sectors of international law such as human rights international crimes international economic law environmental law and the law of the sea Others have chosen the subject of the rules on jurisdiction and procedure of international courts The question of the courts role in the development of areas of law different from public international law namely private international law and European Union law has also been considered The information and views contained in this book will be of great value to academics students judges practitioners and all others interested in the public and private international law aspects of the link between international courts and the development of international law **International Gaming & Wagering Business** ,2007 International Courts for the Twenty-First Century Mark W. Janis,1992-09-25 Contents The Definitive Guide to Criminal Justice and Criminology on the World Wide Web Criminal Justice Distance Learning Consortium,1999 Literally the most comprehensive World Wide Web guide for Criminal Justice including chapters on History of the Internet Surfing the Web Criminal Justice Links on the World Wide Web E Mail Search Engines Netiquette Careers Security and a Glossary *Stanford Journal of International Law* ,2005 The Rules, Practice, and Jurisprudence of International Courts and Tribunals Chiara Giorgetti,2012-02-17 International courts and tribunals are key actors in international law both because of their primary dispute resolution function and for their role in developing international law in a more general sense Their growing number and complexity makes a detailed study of their practice particularly relevant The Rules Practice and Jurisprudence of International Courts and Tribunals examines existing international dispute resolution institutions including those of general jurisdiction ICJ PCA specialised

jurisdiction ITLOS ICSID WTO as well as human rights courts international criminal courts and tribunals courts of regional integration agreements claims commissions and tribunals and administrative tribunals of international organizations Uniquely it assesses both procedural rules and essential case law making it relevant for both academics and practitioners in international law     Jurisdiction of International Tribunals Chittharanjan Félix Amerasinghe, 2003 3 Who may refer

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