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Customary International Law in Times of Fundamental Change will undoubtedly spark important debate and further research on the process of expedited custom: a process that is controversial and potentially dangerous, but which - as Scharf ably demonstrates - undeniably occurs.' James A. Green Source: International and Comparative Law Quarterly

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This chapter examines the customary international law rules that grew out of the U.S. and Soviet development of the ability to launch satellites and manned rockets into earth orbit and outer space in the 1960s. In response to this new

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technological development, in 1963 the UN General Assembly adopted the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, which provided that the provisions of the UN Charter, including limitations on ...

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The most accepted definition of custom in international law in modern times was laid down by the ICJ Statute in Article 38 (1) (b). Today states identify international customary law as the binding source of international law.

The nature of Customary International Law - iPleaders

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Michael Scharf talks about his book, [Customary International Law in Times of Fundamental Change], in which he looks at moments in history when international law, or the interpretation of...

[Customary International Law in Times of Fundamental ... Customary international law is, evidently, a troublesome issue for the rule of law. Few legal regimes claim the ability to 'discover' and apply amorphous laws to every state on the planet, no matter the ambiguous discretion involved and the inability of those on the receiving end to predict it.

What is customary international law? - Rule of Law ... Customary international law, it is generally agreed, finds its



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source in the widespread consistent practice of states.<sup>17</sup> International custom is seen as a source of international law because the thought is that if states act in a certain consistent manner, then such states may be acting in such a manner because they have a sense of legal obligation – dubbed *opinio juris*.

Customary International Law in the 21st Century: Old ...  
Customary international law consists of rules that come from "a general practice accepted as law" and exist independent of treaty law. Customary IHL is of crucial importance in today ' s armed conflicts because it fills gaps left by treaty law and so strengthens the protection offered to victims.

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customary international law ... in fact comprises a limited set of norms for ensuring the co-existence and vital co-operation of the members of the international community, together with a set of customary rules whose presence in the opinio juris of States can be tested by induction based on the analysis of a sufficiently extensive and convincing practice, and not by deduction from preconceived ideas. 86

Determining Customary International Law: The ICJ ' s ... Customary international law is an aspect of international law involving the principle of custom. Along with general principles of law and treaties, custom is considered by the International Court of Justice, jurists, the United Nations, and

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its member states to be among the primary sources of international law. Many governments accept in principle the existence of customary international law, although there are differing opinions as to what rules are contained in it. In 1950, the International L

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... 158 As traditionally understood, customary international law is premised upon two elements: 1) state practice (an objective requirement pertaining to state behaviour); and 2) opinio juris (a...

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In periods of fundamental change, whether by technological advances, the commission of new forms of crimes against humanity, or the development of new means of warfare or terrorism, customary international law may form much more rapidly and with less state practice than is normally the case to keep up with the pace of developments.

### Customary International Law in Times of Fundamental Change ...

In international law, customary law refers to the Law of Nations or the legal norms that have developed through the customary exchanges between states over time, whether based on diplomacy or aggression. Essentially, legal obligations are believed to arise between states to carry out

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their affairs consistently with past accepted conduct.

Customary law - Wikipedia

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Customary International Law In Times Of Fundamental Change ...

"In its totality, Customary International Law in Times of Fundamental Change: Recognizing Grotian Moments is a stimulating and challenging examination of how pivotal

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moments in history can precipitously affect the field of customary international law and international relations.

This is the first book to explore the concept of 'Grotian Moments'. Named for Hugo Grotius, whose masterpiece *De jure belli ac pacis* helped marshal in the modern system of international law, Grotian Moments are transformative developments that generate the unique conditions for accelerated formation of customary international law. In periods of fundamental change, whether by technological advances, the commission of new forms of crimes against humanity, or the development of new means of warfare or

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terrorism, customary international law may form much more rapidly and with less state practice than is normally the case to keep up with the pace of developments. The book examines the historic underpinnings of the Grotian Moment concept, provides a theoretical framework for testing its existence and application, and analyzes six case studies of potential Grotian Moments: Nuremberg, the continental shelf, space law, the Yugoslavia Tribunal's Tadic decision, the 1999 NATO intervention in Serbia and the 9/11 terrorist attacks.

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Reexamining Customary International Law provides a theoretical framework for testing its existence and application, and analyzes six case studies of potential Grotian Moments: Nuremberg, the continental shelf, space law, the Yugoslavia Tribunal's Tadic decision, the 1999 NATO intervention in Serbia and the 9/11 terrorist attacks.

Reexamining Customary International Law takes on the complex issues and controversies surrounding the history, theory, and practice of customary international law as it reexamines customary law's increasingly important role in world affairs. It incorporates the expertise of distinguished authors to probe many difficult issues that remain unresolved concerning the doctrine of customary law. At the

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Recognizing Critical Moments  
same time, this book engages in a profound exploration of the practical role of customary international law in a variety of important fields, including humanitarian law, human rights law, and air and space law.

This book sets out to articulate a comprehensive theory of customary international law that can effectively resolve the conceptual and practical enigmas surrounding it. It takes a multidisciplinary approach and draws insights from international law, legal theory, political science, and game theory. It is anchored in a sophisticated ethical framework and explores the interrelationships between customary international law and ethics.

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In 1995, the International Committee of the Red Cross, along with a range of renowned experts, embarked upon a major international study into current state practice in humanitarian law in order to identify customary law in this area. This book (and its companion, Volume 1: Rules) is the result of that study. Volume 2 contains a summary of the relevant treaty law, international case-law and relevant state practice including legislation, military manuals, case-law, official statements, and official military practice for each aspect of humanitarian law. Also available: Volume 1: Rules 0-521-80899-5 Hardback \$100.00 C 0-521-00528-0 Paperback \$38.00 D Boxed Set of 3 Volumes: Vol.I: Rules; Vol. 2: Practice: Parts 1 and 2 0-521-53925-0 Hardback \$450.00 C

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Rules of customary international law provide basic legal protections to foreign investors doing business abroad. These rules remain of fundamental importance today despite the growing number of investment treaties containing substantive investment protection. In this book, Patrick Dumberry provides a comprehensive analysis of the phenomenon of custom in the field of international investment law. He analyses two fundamental questions: how customary rules are created in this field and how they can be identified. The book examines the types of manifestation of State practice which should be considered as relevant evidence for the formation of customary rules, and to what extent they are different from those existing under general

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International law. The book also analyses the concept of States' opinio juris in investment arbitration. Offering guidance to actors called upon to apply customary rules in concrete cases, this book will be of significant importance to those involved in investment arbitration.

A collection of essays on the various aspects of the legal sources of international law, including theories of the origin of international law, explanation of its binding force, normative hierarchies and the relation of international law and politics.

Fundamentals of Public International Law, by Giovanni Distefano, provides an overview of public international

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law's main principles and fundamental institutions.

This book examines theoretical and practical issues concerning the relationship between international law, time and history. Problems relating to time and history are ever-present in the work of international lawyers, whether understood in terms of the role of historic practice in the doctrine of sources, the application of the principle of intertemporal law in dispute settlement, or in gaining a coherent insight into the role that was played by international law in past events. But very little has been written about the various different ways in which international lawyers approach or understand the past, and it is with a view to exploring the dynamics of that engagement that this book has been

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compiled. In its broadest sense, it is possible to identify at least three different ways in which the relationship between international law and (its) history may be conceived. The first is that of a "history of international law" written in narrative form, and mapped out in terms of a teleology of origins, development, progress or renewal. The second is that of "history in international law" and of the role history plays in arguments about law itself (for example in the construction of customary international law). The third way of understanding that relationship is in terms of "international law in history": of understanding how international law has been engaged in the creation of a history that in some senses stands outside the history of international law itself. The essays in this collection make clear that each type of



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Engagement with history and international law interweaves various different types of historical narrative, pointing to the typically multi-layered nature of international lawyers' engagement with the past and its importance in shaping the present and future of international law.

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