



Peremptory Norms in International Law (Paperback)

By Alexander Orakhelashvili

Oxford University Press, United Kingdom, 2009. Paperback. Condition: New. Language: English . Brand New Book ***** Print on Demand *****.This monograph analyses the questions raised by the legal effects of peremptory norms of international law (jus cogens). A comprehensive study of this problem has been lacking so far in international legal doctrine. Peremptory norms, although often criticised and even more often approached with sceptical nihilism, nevertheless attract growing doctrinal and practical attention and have increasing importance in determining the permissible limits on the action of State and non-State actors in different areas. In view of this overriding impact on what might otherwise be instances of the law-making process, peremptory norms concern a constitutional aspect of international law. Peremptory norms are non-derogable norms, and the concept of derogation is among the key concepts analysed here. Derogation from peremptory norms can be attempted in a wide variety of situations, but if peremptory norms are to operate as norms and not merely as aspirations they must generate consequences that are also peremptory. This effects-oriented character of peremptory norms is examined in a variety of fields. Despite the growing relevance of peremptory norms in practice, doctrine has failed to treat the issue comprehensively and...



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