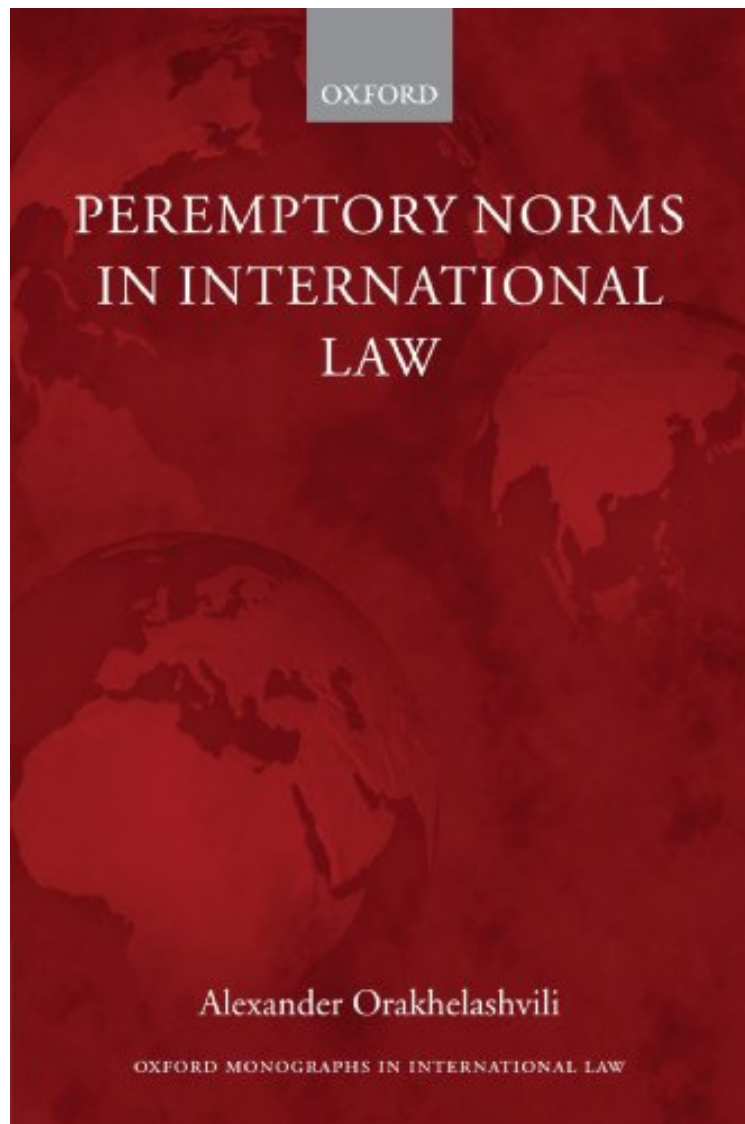


(Ebook pdf) Peremptory Norms in International Law (Oxford Monographs in International Law)

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Alexander Orakhelashvili

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Alexander Orakhelashvili : Peremptory Norms in International Law (Oxford Monographs in International Law) before purchasing it in order to gage whether or not it would be worth my time, and all praised Peremptory Norms in International Law (Oxford Monographs in International Law):

This monograph analyzes 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 criticized and even more often approached with skeptical 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 analyzed 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 has often been limited to examining specific aspects of the problem, such as the impact of peremptory norms in the law of treaties. This fresh effort to examine and explain the phenomenon of peremptory norms in key areas fills an important doctrinal gap through presenting in a systematic way the effects of peremptory norms and reappraising the significance of such effects, bearing in mind their overall nature. It also demonstrates that the hierarchical superiority of peremptory norms is not limited to the sphere of primary legal relations but becomes most crucially relevant after a specific peremptory norm is breached. A norm's peremptory character is relevant not only for its substance but also for its consequences; peremptoriness consists primarily in the capacity to impact through its effects upon conflicting acts, situations and agreements.

...this book is an excellent and lasting contribution to the study of international law. The author admirably deals with this difficult subject-matter and presents a complete ... analysis of the norms of *jus cogens*, based on meticulous research. * Malgosia Fitzmaurice, Queen Mary, University of London, in *International and Comparative Law Quarterly* * There is no doubt at all that this is a very powerful, well-argued piece of work, which will become a major point of reference for all international lawyers * *The British Yearbook of International Law* 2007 * ...the grand monograph of Orakhelashvili, which is indisputably a valuable contribution to the development of the doctrine of *jus cogens* as regards more specific aspects of the concept. * Varro Vooglaid, *Finnish Yearbook of International Law* * Alexander Orakhelashvili promises a comprehensive approach to *jus cogens* norms and he delivers precisely this. This is a book based on meticulous research and a comprehensive examination of existing literature and case materials. For its ability to bring together truly diverse materials on *jus cogens* norms, this book deserves to be widely read. * Sahib Singh, *Austrian of International and European Law* * About the Author Alexander Orakhelashvili has previously lectured at the University of London, Queen Mary and Westfield College in Public International Law, and the Law of Armed Conflict. He has been a visiting research fellow at the Max-Planck Institute of International and Comparative Law, and a tutor in International Law at Jesus College, Cambridge. He is widely published both in Russia and in the West in the fields of Public International Law, Human Rights, Conflict and Security Law, and Comparative Law.