



# The Interpretation of Acts and Rules in Public International Law (Oxford Monographs in International Law)

*By Alexander Orakhelashvili*

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## **The Interpretation of Acts and Rules in Public International Law (Oxford Monographs in International Law) By Alexander Orakhelashvili**

There are frequent claims that the international legal regulation of international law is uncertain, vague, ambiguous, or indeterminate, which does not support the stability, transparency, or predictability of international legal relations. This monograph examines the framework of interpretation in international law based on the premise of the effectiveness and determinacy of international legal regulation, which is a necessary pre-requisite for international law to be viewed as law.

This study examines this problem for the first time since these questions were addressed, and taken as the basic premises of the international legal analysis, in the works of JL Brierly and Sir Hersch Lauterpacht. Addressing the different aspects of the effectiveness of legal regulation, this monograph explores the structural limits on, and threshold of, legal regulation, and the relationship between the established legal regulation and non-law. Once the limits of legal regulation are ascertained, the analysis proceeds to study the legal framework of interpretation that serves the maintenance and preservation of the object and intent of the existing legal regulation.

The final indispensable stage of analysis is the interpretation of those treaty provisions that embody the indeterminate conditions of non-law. Given that the generalist element of international legal doctrine has been virtually silent on the problem and implications of the effectiveness and determinacy of international legal regulation, this study examines the material accumulated in doctrine and practice for the past several decades, including the relevant jurisprudence of all major international tribunals.

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### **Review**

UNEDITED UK REVIEW: "Dr Orakhelashvili aims to provide the ultimate antidote to claims that interpretive indeterminacy renders many international legal texts marginal in the quest to determine the applicable law. This encyclopedic study of the rules, principles and other elements of interpretation constitutes an invaluable and unique guide and reference work for all those working with international law at any level. It is all the more important as a result of the recent proliferation of international actors engaging in acts of interpretation and of the fact that no comparably exhaustive study of this type has been undertaken for decades."--*Philip Alston, John Norton Pomeroy Professor of International Law, New York University School of Law*

UNEDITED UK REVIEW: "This thoughtful monograph takes head on some of the most important issues facing international law today. Dr Orakhelashvili rigorously tackles questions of general concern to practitioners and scholars of international law alike in the areas of interpretation and application of international law, raising jurisprudential questions of importance to the continued development of the discipline."--*Judge Bruno Simma, International Court of Justice, The Hague*

"This book is highly recommended for main-stream scholars, critical scholars, and practitioners alike, for all three groups need reliable information on what is commonly accepted -- what the orthodox view is on interpretation." *Jorg Kammerhofer, University of Erlangen-Nuremberg, Germany*

### **About the Author**

Alexander Orakhelashvili (LLM Leiden, PhD Cantab.) is a fellow at Jesus College, Oxford. He has previously taught international law in the Universities of London and Cambridge. His research includes all areas of international law. He has previously published *Peremptory Norms in International Law* (OUP, Oxford Monographs in International Law, 2006), and the wide range of articles in the leading international law journals and yearbooks.

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