

Contents

<i>Preface</i>	vii
1 Introduction	1
1.1 The aim of the book	1
1.2 Terminology and preliminary issues	5
1.2.1 Terminology	5
1.2.2 Incorporation	6
1.2.3 Comments on analysis and interpretation of judgments	10
PART I THEORIES ON THE RELATIONSHIP BETWEEN INTERNATIONAL LAW AND DOMESTIC LAW	
2 The main theories	19
2.1 Preliminary remarks	19
2.2 Monism	20
2.2.1 Monism as a philosophical theory	21
2.2.2 Monism as a constitutional and political theory	26
2.3 Dualism	31
2.3.1 Historical and philosophical foundations	31
2.3.2 Dualism as constitutional and political theory	34
2.3.3 Criticism of dualism as constitutional and political theory	37
2.4 Summary and comments	38
PART II MONISM AND DUALISM IN PRACTICE	
3 The treaty-making process and ratification of treaties	43
3.1 France	43
3.2 Germany	45
3.3 United Kingdom	47
3.4 The Nordic countries	48
3.5 Summary and comments concerning treaty-making and ratification	52

4	Automatic incorporation or transformation	55
4.1	The doctrine of automatic incorporation	56
4.2	The doctrine of transformation	60
4.2.1	Introduction	60
4.2.2	The United Kingdom	61
4.2.3	The Nordic countries	62
4.3	Summary and comments	84
5	Direct effect	89
5.1	The concept of direct effect	89
5.2	Germany and France	90
5.3	Dualist countries	91
5.3.1	The United Kingdom	92
5.3.2	Denmark	93
5.3.3	Norway	94
5.3.4	Iceland	95
6	Principle of consistent interpretation	104
6.1	Introduction	104
6.2	Theoretical and practical effects of consistent interpretation	109
6.3	Further remarks on consistent interpretation	110
6.4	Case law	113
6.5	Summary of main findings in relation to consistent interpretation	119
7	Remarks on the judgment of the Supreme Court in the <i>Ægisson</i> case	121
8	Remedies and reparations	128
9	Application of incorporated treaties	133
9.1	Introduction	133
9.2	Germany and France	134
9.3	The United Kingdom, Denmark and Norway	138
9.4	Iceland	143
9.4.1	Status of decisions and judgments of the ECtHR	144
9.4.2	The case law of domestic courts relating to the ECHR	148
9.4.3	Summary of the main findings	165
	<i>Bibliography</i>	170
	<i>Index</i>	181