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Sharing Transboundary Resources International Law And Optimal Resource Use

Rosemary Grey



Sharing Transboundary Resources International Law And Optimal Resource Use:

Sharing Transboundary Resources Eyal Benvenisti, 2002 Why do states often use transboundary resources inefficiently Benvenisti considers a range of factors including mismanagement as a link between domestic and international processes He also looks forward to potential solutions in this multi disciplinary approach Benvenisti s analysis will interest international environmentalists and lawyers and international relations scholars and practitioners Sharing Transboundary Resources Eyal Benvenisti, 2002-04-04 Why do states often fail to cooperate using transboundary natural resources inefficiently and unsustainably This book first published in 2002 examines the contemporary international norms and policy recommendations that could provide incentives for states to cooperate Its approach is multi disciplinary proposing transnational institutions for the management of transboundary resources Benvenisti takes a fresh approach to the problem considering mismanagement as the link between domestic and international processes As well he explores reasons why some collective efforts to develop the international law on transnational ecosystems have failed while others succeeded This inquiry suggests that adjudicators need to be assertive in progressively developing the law while relying on scientific knowledge more than on past practice Global water policy issues seem set to remain a cause for concern for the foreseeable future this study provides a new approach to the problem of freshwater and will interest international environmentalists and lawyers and international relations scholars and practitioners *The Impact of International Law on International Cooperation* Eyal Benvenisti, Whewell Professor of International Law Eyal Benvenisti, Moshe Hirsch, Von Hofmannsthal Chair in International Law Moshe Hirsch, 2006-11-06 This 2004 book aims at advancing our understanding of the influences international norms and international institutions have over the incentives of states to cooperate on issues such as environment and trade Contributors adopt two different approaches in examining this question One approach focuses on the constitutive elements of the international legal order including customary international law soft law and framework conventions and on the types of incentives states have such as domestic incentives and reputation The other approach examines specific issues in the areas of international environment protection and international trade The combined outcome of these two approaches is an understanding of the forces that pull states toward closer cooperation or prevent them from doing so and the impact of different types of international norms and diverse institutions on the motivation of states The insights gained suggest ways for enhancing states incentives to cooperate through the design of norms and institutions *Community Interests Across International Law* Eyal Benvenisti, Georg Nolte, 2018-05-10 This book explores the extent to which contemporary international law expects states to take into account the interests of others namely third states or their citizens when they form and implement their policies negotiate agreements and generally conduct their relations with other states It systematically considers the various manifestations of what has been described as community interests in many areas regulated by international law and observes how the law has evolved from a legal system based on more or less specific

consent and aimed at promoting particular interests of states to one that is more generally oriented towards collectively protecting common interests and values Through essays by experts in the field this book explores topics such as the sources of international law and the institutional aspects of developing the law and covers a range of areas within the law

Humanitarian Disarmament Treasa Dunworth,2020-08-06 Humanitarian disarmament is not new but instead represents a re emergence of a long standing sensibility in disarmament discourse Demystifying Treaty Interpretation Andrea Bianchi,Fuad Zarbiyev,2024-03-14 Demystifying Treaty Interpretation doesn't just tell you how treaties are commonly interpreted It helps you understand also the process of treaty interpretation and its outcomes The idea that rules of treaty interpretation can guide us to the meaning of treaty provisions in a simple and straightforward manner is a myth to be dispelled This book aims to capture some of the complex and nuanced processes involved in treaty interpretation It spurs further reflection about how interpretation takes place against the background of concepts categories and insights from other disciplines A useful tool for scholars practitioners and researchers engaging with treaty interpretation at all levels the book aims to enhance the reader's knowledge and mastery of the interpretive process in all its elements with a view to making them more skilled and effective players in the game of interpretation *Narratives of Hunger* Anne Saab,2019-04-04 An examination of how international law fails to challenge fundamental assumptions and address practical issues of hunger and climate change Sovereignty in China Maria Adele Carrai,2019-08 This book provides a comprehensive history of the emergence and the formation of the concept of sovereignty in China from the year 1840 to the present It contributes to broadening the history of modern China by looking at the way the notion of sovereignty was gradually articulated by key Chinese intellectuals diplomats and political figures in the unfolding of the history of international law in China rehabilitates Chinese agency and shows how China challenged Western Eurocentric assumptions about the progress of international law It puts the history of international law in a global perspective interrogating the widely held belief of international law as universal order and exploring the ways in which its history is closely anchored to a European experience that fails to take into account how the encounter with other non European realities has influenced its formation The Crime of Aggression Under the Rome Statute of the International Criminal Court Carrie McDougall,2013-04-18 An analysis of the crime of aggression amendments adopted under the International Criminal Court's Statute in 2010 *Complementarity, Catalysts, Compliance* Christian M. De Vos,2020-04-23 Since its establishment at the turn of the century a central preoccupation of the International Criminal Court ICC has been to catalyse the pursuit of criminal accountability at the domestic level Drawing on ten years of research this book theorizes the ICC's principle of complementarity as a transnational site and adaptive strategy for realizing an array of ambitious governance goals Through a grounded inter disciplinary approach it illustrates how complementarity came to be framed as a catalyst for compliance and its unexpected effects on the legal frameworks and institutions of three different ICC situation countries in Africa Uganda

Kenya and the Democratic Republic of Congo Linking complementarity's law and practice to contemporary debates in international law and relations the book unsettles international law's dominant progressive narrative It urges a critical rethinking of the ICC's politics and a reorientation towards international criminal justice as a project of global legal pluralism

State Responsibility for Breaches of Investment Contracts Jean Ho, 2018-10-25 There is a wealth of material that shapes the law of State responsibility for breaches of investment contracts First impressions of an unsettled or uncertain law have thus far gone unchallenged But unchallenged first impressions point to the need for a detailed study that investigates and analyses the sources the content the characteristics and the evolution of this law The argument at the heart of this monograph is that the law of state responsibility for breaches of investment contracts has carved a unique and distinct trajectory from the traditional route for the creation of international law developing principally from arbitral awards and mimicking to a considerable extent the general international law on the protection of aliens and alien property This book unveils the remarkable journey of the law of state responsibility for breaches of investment contracts from its origins to its formation to its arrival at the cusp of maturity

Prosecuting Sexual and Gender-Based Crimes at the International Criminal Court Rosemary Grey, 2019-04-11 Detailed study of the ICC's practice in prosecuting gender based crimes current up to the ICC Statute's twentieth anniversary in 2018

The League of Nations and the Protection of the Environment Omer Aloni, 2021-05-13 In the history of how the law has dealt with environmental issues over the last century or so the 1920s and 30s and the key role of the League of Nations in particular remain underexplored by scholars By delving into the League's archives Omer Aloni uncovers the story of how the interwar world expressed similar concerns to those of our own time in relation to nature environmental challenges and human development and reveals a missing link in understanding the roots of our ecological crisis Charting the environmental regime of the League he sheds new light on its role as a centre of surprising environmental dilemmas initiatives and solutions Through a number of fascinating case studies the hidden interests perceptions motivations hopes agendas and concerns of the League are revealed for the first time Combining legal thought historical archival research and environmental studies a fascinating period in legal environmental history is brought to life

The Rebirth of Territory Gail Lythgoe, 2024-03-14 A critical account of the concept of territory within international legal discourse and practice

Proportionality and Deference in Investor-State Arbitration Caroline Henckels, 2015-10-15 Caroline Henckels examines how investment tribunals should balance competing state and investor interests in determining state liability in regulatory disputes

Substantive Protection under Investment Treaties Jonathan Bonnitcha, 2014-08-14 Substantive Protection under Investment Treaties provides the first systematic analysis of the consequences of the substantive protections that investment treaties provide to foreign investors It proposes a new framework for identifying and evaluating the costs and benefits of differing levels of investment treaty protection and uses this framework to evaluate the levels of protection for foreign investors implied by different interpretations of the fair and

equitable treatment and indirect expropriation provisions of investment treaties The author examines the arguments and assumptions of both supporters and critics of investment treaties seeks to test whether they are coherent and borne out by evidence and concludes that the economic justifications for investment treaty protections are much weaker than is generally assumed As such the economic objectives of investment treaties are not necessarily in tension with other non economic objectives These findings have important implications for the drafting and interpretation of investment treaties *The UN and Human Rights* Guglielmo Verdirame,2011-09-08 Through an analysis of UN operations including international territorial administration refugee camps peacekeeping the implementation of sanctions and the provision of humanitarian aid this book shows that the powers exercised by the UN carry a serious risk of human rights abuse The International Law Commission has codified and developed the law of institutional responsibility but while indispensable these principles and rules cannot on their own ensure compliance and accountability The liberty deficit of the UN and of other international organisations thus remains an urgent legal and political problem Some solutions may be available indeed recent state and institutional practice offers interesting examples in this respect But at a fundamental level we need to ask ourselves whether judged on the basis of the principle of liberty the power shift from states to international organisations is always beneficial **Vicarious Liability in Tort** Paula Giliker,2010-10-28 Vicarious liability is controversial a principle of strict liability in an area dominated by fault based liability By making an innocent party pay compensation for the torts of another it can also appear unjust Yet it is a principle found in all Western legal systems be they civil law or common law Despite uncertainty as to its justifications it is accepted as necessary In our modern global economy we are unlikely to understand its meaning and rationale through study of one legal system alone Using her considerable experience as a comparative tort lawyer Paula Giliker examines the principle of vicarious liability or to a civil lawyer liability for the acts of others in England and Wales Australia Canada France and Germany and with reference to legal systems in countries such as the United States New Zealand and Spain When Environmental Protection and Human Rights Collide Marie-Catherine Petersmann,2022-10-27 Conflicts between environmental protection laws and human rights present delicate trade offs when concerns for social and ecological justice are increasingly intertwined This book retraces how the legal ordering of environmental protection evolved over time and progressively merged with human rights concerns thereby leading to a synergistic framing of their relation It explores the world making effects this framing performed by establishing how humans ought to relate to nature and examines the role played by legislators experts and adjudicators in re producing it While it questions contextualises and problematises how and why this dominant framing was construed it also reveals how the conflicts that underpin this relationship and the victims they affect mainly remained unseen The analysis critically evaluates the argumentative tropes and adjudicative strategies used in the environmental case law of regional courts to understand how these conflicts are judicially mediated thereby opening space for new modes of politics legal imagination and representation International

Environmental Disputes Aaron Schwabach, 2005-12-13 This book offers an intensive investigation of past and present achievements and failures in international environmental law. *International Environmental Disputes* is a thought provoking examination of the world's most pressing environmental problems and the attempts to remedy them through international law. From the dumping of ash in the Danube and the disposal of waste in western Africa to the effects of the Everglades sugar industry, the work explores such topics as the role of the United Nations, the debate over sustainable development, environmental ethics, biopiracy, and radioactive material in space satellites. The book covers issues such as treaties on the ozone layer, global climate change, and the Kyoto protocol. A chapter devoted to the United States discusses the international environmental impact of its economy. Biographical sketches introduce readers to a diverse cast of characters, including a New Guinea tribal elder and a Japanese TV personality.

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