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# Recueil Des Cours Collected Courses 1992 Ii Recueil Des Cours

**Marcel A. Müller**



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Judgments from a pragmatic perspective The book builds on the concept of pragmatism in private international law within the context of recognition and enforcement of judgments It demonstrates the practical application of legal pragmatism by setting up a toolbox pragmatic goals and methods that will assist courts and policymakers in developing an effective and efficient judgments enforcement scheme at national bilateral and multilateral levels Practitioners national courts policymakers academics students and litigants will benefit from the book s comparative approach using case law from the United Kingdom and other leading Commonwealth States the United States and the Court of Justice of the European Union The book also provides interesting findings from the empirical research on the refusal of recognition and enforcement in the UK and the Commonwealth statutory registration schemes respectively *Targeted Killing in International Law* Nils Melzer,2008-05-29 This book examines the international lawfulness of state sponsored targeted killings in military and police operations Through an exhaustive analysis of recent state practice and jurisprudence the book establishes when targeted killing may be considered lawful and what legal restraints are imposed on the practice in times of war and peace

*Stabilization Clauses in International Investment Law* Jola Gjuzi,2018-12-05 This book analyzes the tension between the host state s commitment to provide regulatory stability for foreign investors which is a tool for attracting FDI and generating economic growth and its evolving non economic commitments towards its citizens with regard to environmental protection and social welfare The main thesis is that the stabilization clause regulatory power antinomy as it appears in many cases contradicts the content and rationale of sustainable development a concept that is increasingly prevalent in national and international law and which aims at the integration and balancing of economic environmental and social development To reconcile this antinomy at the decision making and dispute settlement levels the book employs a constructive sustainable development approach which is based on the integration and reconciliation imperatives of the concept of sustainable development as well as on the application of principles of law such as non discrimination public purpose due process proportionality and more generally good governance and rule of law It subsequently re conceptualizes stabilization clauses in terms of their design ex ante and interpretation ex post yielding stability to the benefit of foreign investors while also mitigating their negative effects on the host state s power to regulate

**Private Power and Global Authority** A. Claire Cutler,2003-08-14 Transnational merchant law which is mistakenly regarded in purely technical and apolitical terms is a central mediator of domestic and global political legal orders By engaging with literature in international law international relations and international political economy the author develops the conceptual and theoretical foundations for analyzing the political significance of international economic law In doing so she illustrates the private nature of the interests that this evolving legal order has served over time The book makes a sustained and comprehensive analysis of transnational merchant law and offers a radical critique of global capitalism Rules and Networks Richard Appelbaum,William Felstiner,Volkmar Gessner,2001-12-21 International business transactions are heavily influenced by culture practice and rule The pursuit of

business relationships within nation states can be subject to differences in the generation of norms and the processing of disputes but these conflicts are magnified many times over in cross border transactions where nation state control and support is weak or absent This book seeks different explanations of the ways in which business people and their legal advisers try to minimise the effect of these magnified difficulties At the outset the editors suggest four sources through which the international business community might be considered to have supplemented nation state conflict prevention and dispute resolution institutions an international legal order the development of a private normative order based on common business practices denominated the *lex mercatoria* through the efforts and work product of internationalised law firms and by means of extensive thick personal relationships often referred to by their Chinese term *guanxi* Since most explanations are dominated by North American and European legal scholarship and practice a second concern of this book is to open up the discussion to competing explanatory frameworks Specifically it develops the notion that global legal convergence may not be the immediate inevitable result of increased global economic interaction Rather less formal mechanisms for achieving normative understanding and predictability in business dealings may also flourish

**Gulf War Reparations and the UN Compensation Commission** Cymie Payne, Peter Sand, 2011-04-18 In *Gulf War Reparations and the UN Compensation Commission* Environmental Liability experts who held leadership positions and worked directly with the UNCC draw on their experience with the institution and provide a comprehensive view of the United Nations Compensation Commission and its work in the aftermath of the Gulf War In this volume the first of two on the UNCC's work the authors explain that the United Nations Security Council established the ad hoc compensation commission to address reparations as a component of the ceasefire following Iraq's 1990-91 invasion and occupation of Kuwait The authors also describe how the work of the United Nations Compensation Commission addressed important questions of state responsibility environmental liability mass claims processing international law and dispute settlement institutions in the post armed conflict context Readers will also learn that the scope and the scale of the UNCC was extraordinary since almost 2.7 million claims from 80 plus countries were submitted to the Commission which awarded in excess of 55 billion and has paid out more than half of that total and that this led to the development of innovative procedural institutional and managerial approaches in handling mass environmental and corporate claims at a scale that is unparalleled Additionally the book notes that the Commission also contributed to the evolution of international jurisprudence in these areas

**The Right to Development and International Economic Law** Isabella D Bunn, 2012-03-01 The United Nations is commemorating the 25th anniversary of the 1986 Declaration on the Right to Development which proclaimed the right to be an inalienable human right by virtue of which every human person and all peoples are entitled to participate in contribute to and enjoy economic social cultural and political development in which all human rights and fundamental freedoms can be realized The UN now aims to mainstream the right into its policies and operational activities and is reviewing prospects for an internationally binding legal instrument The evolution of the right

to development however has been dominated by debates about its conceptual validity and practical ramifications. It has been hailed as the cornerstone of the entire human rights system and criticized as a distracting ideological initiative. Questions also persist about the role of the right in reforming the international economic order. This book examines the legal and moral foundations of the right to development addressing the major issues. It then considers the right to development in the global economy noting the challenges of globalization and identifying key principles such as differential treatment of developing countries participation and accountability. It relates the right to broad objectives such as the Millennium Development Goals the human rights based approach to development and environmental sustainability. Implications for international economic law and policy in the areas of trade development finance and corporate responsibility are assessed. The conclusion looks to the legal and ethical contributions and limitations of the right to development in this new context. With an academic and professional background in international law human rights and moral theology the author brings a unique interdisciplinary focus to this timely project.

### **Countermeasures, the Non-Injured State and the Idea of International Community**

Elena Katselli Proukaki, 2009-12-16 This book explores the contentious topic of how collective and community issues should be protected and enforced in international law. The volume addresses both the theory and practice of third State countermeasures within international law and critically assesses the work the International Law Commission has done in this area. The author identifies concerns about third State countermeasures which remain unanswered and considers the possible legal ramifications arising from a clash between a right to third State countermeasures and obligations arising from other international norms. In taking a thorough view of the issues involved. *The Problem of Enforcement in International Law* explores questions evolving around the nature integrity and effectiveness of international law and the role it is called on to play in a contemporary context.

### **The Use of Force against Ukraine and International Law**

Sergey Sayapin, Evhen Tsybulenko, 2018-09-08 Written by a team of international lawyers from Europe Asia Africa and the Caribbean this book analyses some of the most significant aspects of the ongoing armed conflict between the Russian Federation and Ukraine. As challenging as this conflict is for the international legal order it also offers lessons to be learned by the States concerned and by other States alike. The book analyses the application of international law in this conflict and suggests ways for this law progressive development. It will be useful to practitioners of international law working at national Ministries of Defence Justice and Foreign Affairs as well as in Parliaments to lawyers of international organizations and to national and international judges dealing with matters of public international law international humanitarian law and criminal law. It will also be of interest to scholars and students of international law and to historians of international relations. Sergey Sayapin is Assistant Professor in International and Criminal Law at the School of Law of the KIMEP University in Almaty Kazakhstan. Evhen Tsybulenko is Professor of Law at the Department of Law of the Tallinn University of Technology in Tallinn Estonia.

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