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Rome Convention - Rome I Regulation Alexander J. Belohlávek, 2011-01-01 As of 17 December 2010 the Rome I Regulation EU Regulation 593/2008 on the law applicable to contractual obligations is directly applicable in all EU Member States with the exception of Denmark The Rome I Regulation replaces the Rome Convention of 1980 in the EU Member States and will apply to all contracts concluded as of 17 December 2010 However and herein lies the utility and great importance of this work the Rome Convention and the Rome I Regulation will be applied in parallel for a significant time to come the author himself anticipates a ten to fifteen year period in the latter case to contracts made after 17 December 2010 This is why this commentary takes into account both sources of law in their mutual interaction and broader context The comprehensiveness of the Rome Convention Rome I Regulation is clearly apparent but one of the great achievements of the author is his amassing of over 1 800 judicial decisions most of which are furnished with a detailed commentary where these decisions apply national laws the latter are cited both in the original and in translation For a number of rulings the commentary include not only a case summary of the facts and an analysis of the conclusions drawn by the court but also takes them as models to hypothesize what conclusions would be reached if the Rome I Regulation were to be applied

International Law for Freshwater Protection Agnes Chong, 2022-04-04 International Law for Freshwater Protection traces the development of international water law on fresh water protection and demonstrates how the regime focuses on the utilisation and rights of sovereign states over the protection and sustainable growth of shared water resources The evolving jurisprudence influenced by environmental law highlights the regime s insufficient focus on the environmental protection of watercourses This book argues that existing rules mechanisms and norms within international law can address the regime s imbalance and establish how these might be applied to improve freshwater protection

The Normative Position of International Non-Governmental Organizations Under International Law Rephael Harel Ben-Ari, 2012-05-07 Exploring contemporary juridical theories regarding the normative position of INGOs vis vis the subjects of international law this book engages in a thorough contextual historical and interdisciplinary evaluation of the potential to generate solutions for the exercise of unregulated authority outside the state system

Recueil des Cours 2001 M.A. Fitzmaurice, 2002-08-30 The Academy is an institution for the study and teaching of Public and Private International Law and related subjects Its purpose is to encourage a thorough and impartial examination of the problems arising from international relations in the field of law The courses deal with the theoretical and practical aspects of the subject including legislation and case law All courses at the Academy are in

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book will prove to be of immeasurable value for arbitration practitioners and academics in any jurisdiction Business parties that seek to prevent contradicting decisions in multilateral transactions will appreciate the practically feasible alternatives it presents in the event of follow up disputes involving third parties

Ethics of Human Rights A. Reis Monteiro, 2014-03-11 This volume focuses on the ethical significance of human rights aiming at contributing to a universal culture of human rights with deep roots and wide horizons Its purpose scope and rationale are reflected in the three part structure of the manuscript Part I has a broad introductory historical theoretical and legal character Part II submits that an Ethics of Human Rights is best understood as an Ethics of Recognition of human worth dignity and rights Moreover it is argued that human worth consists in the perfectibility of the human species rooted in its semiotic nature to be accomplished through the perfecting of human beings for which the right to education is key In Part III the main legal and political outcomes of the Human Rights Revolution are described and answers to the most lasting and common criticisms of human rights are provided To conclude the human stature of the Big Five drafters of the Universal Declaration of Human Rights is profiled and the priority that should be recognized to human rights education is highlighted Some appendices supplement the manuscript While making a case for the high value and liberating power of the idea and ideal of human rights objections controversies and uncertainties are not at all overlooked and emerging issues are explored The diversity of content of this volume meets many needs of the typical syllabus for a human rights course

State Immunity in International Law Xiaodong Yang, 2012-09-27 The immunity or exemption enjoyed by States from legal proceedings before foreign national courts is a crucial area of international law On the basis of an exhaustive analysis of judicial decisions international treaties national legislation government statements deliberations in international organisations as well as scholarly opinion Xiaodong Yang traces the historical development of the relevant doctrine and practice critically analyses the rationale for restrictive immunity and closely inspects such important exceptions to immunity as commercial transactions contracts of employment tortious liability separate entities the enforcement of judgments waiver of immunity and the interplay between State immunity and human rights The book draws a full picture of the law of State immunity as it currently stands and endeavours to provide useful information and guidance for practitioners academics and students alike

EC Law and the Sovereignty of the Member States in Direct Taxation Mathieu Isenbaert, 2010 In order to develop a suitable framework for the analysis of the European Court of Justice ECJ case law it is first analysed what significance if any the concept of sovereignty has in the contemporary supranational environment of the European Union All too often tax scholars equate sovereignty with the concepts of competence or jurisdiction It will be established in this thesis that a much more specific and higher level meaning is to be attributed to the sovereignty concept which goes beyond the strictly legal concepts of competence or jurisdiction The cornerstone of this thesis however is an extensive analysis of the case law of the ECJ in direct tax matters including a comparison with its non tax case law A new kind of methodology is used in discussing the cases they are categorized

according to whether a discrimination or a restriction based analysis was applied by the ECJ

The Use and Utility of Ultimata in Coercive Diplomacy Tim Sweijts, 2023-05-12 Ultimata feature as a core concept in the coercive diplomacy scholarship. Conventional wisdom holds that pursuing an ultimatum strategy is risky. This book shows that the conventional wisdom is wrong on the basis of a new dataset of 87 ultimata issued from 1920-2020. It provides a historical examination of ultimata in Western strategic, political, and legal thought since antiquity until the present and offers a four-pronged typology that explains their various purposes and effects: 1. the dictate, 2. the conditional war declaration, 3. the bluff, and 4. the brinkmanship ultimatum. The book yields a better understanding of interstate threat behaviour at a time of surging competition. Background materials can be consulted at www.coercivediplomacy.com

The Legacy of H.L.A. Hart Matthew H. Kramer, 2008 This book is the product of a major British Academy Symposium held in 2007 to mark the centenary of the birth of H. L. A. Hart, the most important legal philosopher and one of the most important political philosophers of the twentieth century. The book brings together contributions from eighteen of the world's foremost legal and political philosophers who explore the many subjects in which Hart produced influential work. Each essay engages in an original analysis of philosophical problems that were tackled by Hart, some essays including extended critical discussions of his major works: The Concept of Law, Punishment and Responsibility, Causation in the Law, and Law, Liberty and Morality. All the main topics of Hart's philosophical writings are featured: general jurisprudence and legal positivism, criminal responsibility and punishment, theories of rights, toleration and liberty, theories of justice and causation in the law.

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