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Sharing Transboundary Resources International Law And Optimal Resource Use

Guglielmo Verdirame



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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 **Humanitarian Disarmament** Treasa

Dunworth, 2020-08-06 The humanitarian framing of disarmament is not a novel development but rather represents a re emergence of a much older and long standing sensibility of humanitarianism in disarmament The Book rejects the big bang theory that presents the Anti Personnel Landmines Convention 1997 and its successors the Convention on Cluster Munitions 2008 and the Treaty on the Prohibition of Nuclear Weapons 2017 as a paradigm shift from an older traditional state centric approach towards a more progressive humanitarian approach It shows how humanitarian disarmament has a long and complex history which includes these treaties This book argues that the attempt to locate the birth of humanitarian disarmament in these treaties is part of the attempt to cleanse humanitarian disarmament of politics presenting humanitarianism as a morally superior discourse in disarmament However humanitarianism carries its own blind spots and has its own hegemonic leanings It may be silencing other potentially more transformative discourses **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 **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

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 Rebirth of Territory** Gail Lythgoe,2024-03-14 A critical

account of the concept of territory within international legal discourse and practice *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

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 *Sovereign Defaults before International Courts and Tribunals* Michael Waibel,2011-05-26 International law on sovereign defaults is underdeveloped because States have largely refrained from adjudicating disputes arising out of public debt The looming new wave of sovereign defaults is likely to shift dispute resolution away from national courts to international tribunals and transform the current regime for restructuring sovereign debt Michael Waibel assesses how international tribunals balance creditor claims and sovereign capacity to pay across time The history of adjudicating sovereign defaults internationally over the last 150 years offers a rich repository of experience for future cases US state defaults quasi receiverships in the Dominican Republic and Ottoman Empire the Venezuela Preferential Case the Soviet repudiation in 1917 the League of Nations the World War Foreign Debt Commission Germany s 30 year restructuring after 1918 and ICSID arbitration on Argentina s default in 2001 The remarkable continuity in international practice and jurisprudence suggests avenues for building durable institutions capable of resolving future sovereign defaults *Cyber Warfare and the Laws of War* Heather Harrison Dinniss,2012-07-19 The information revolution has transformed

both modern societies and the way in which they conduct warfare Cyber Warfare and the Laws of War analyses the status of computer network attacks in international law and examines their treatment under the laws of armed conflict The first part of the book deals with the resort to force by states and discusses the threshold issues of force and armed attack by examining the permitted responses against such attacks The second part offers a comprehensive analysis of the applicability of international humanitarian law to computer network attacks By examining the legal framework regulating these attacks Heather Harrison Dinniss addresses the issues associated with this method of attack in terms of the current law and explores the underlying debates which are shaping the modern laws applicable in armed conflict

Domestic Politics and International Human Rights Tribunals Courtney Hillebrecht, 2014-02-10 International politics has become increasingly legalized over the past fifty years restructuring the way states interact with each other international institutions and their own constituents The international legalization of human rights now makes it possible for individuals to take human rights claims against their governments at international courts such as the European and Inter American Courts of Human Rights This book brings together theories from international law human rights and international relations to explain the increasingly important phenomenon of states compliance with human rights tribunals rulings It argues that this is an inherently domestic affair It posits three overarching questions why do states comply with human rights tribunals rulings How does the compliance process unfold and what are the domestic political considerations around compliance What effect does compliance have on the protection of human rights The book answers these through a combination of quantitative analyses and in depth case studies from Argentina Brazil Colombia Italy Portugal Russia and the United Kingdom

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