

# ACADÉMIE DE DROIT INTERNATIONAL DE LA HAYE : RECUEIL DES COURS <sup>1</sup>

Ce volume contient deux contributions particulièrement intéressantes pour la Croix-Rouge puisque l'une, celle de M. Roger Pinto, s'intitule « Les règles du droit international concernant la guerre civile » et l'autre, celle de M. G. I. A. D. Draper, a pour titre « The Geneva Conventions of 1949 ». Les auteurs, éminents juristes de droit international, ont fait partie de Commissions d'experts du CICR.

Les Conventions de Genève, on le sait, étendent l'application d'un minimum de règles du droit humanitaire aux conflits armés ne présentant pas un caractère international, et M. Pinto analyse les différents aspects des obligations qui en résultent pour les Etats signataires. Dans la dernière partie de son exposé, il étudie particulièrement l'article 3 de ces Conventions, en montrant tout d'abord la mise en œuvre, qui n'est soumise à aucune condition de réciprocité, puis les obligations assumées. L'application effective des règles humanitaires demeure bien, comme il le dit, « le problème fondamental ». « Elle ne peut, ajoute-t-il, être laissée à la seule appréciation des Etats, responsables pourtant en premier chef. L'intervention d'un organisme humanitaire impartial s'impose nécessairement ».

C'est pourquoi, dans le chapitre suivant, il évoque l'intervention du CICR, qui a lieu tantôt avec le concours des organisations locales de la Croix-Rouge, tantôt sous sa seule responsabilité... « En définitive, le CICR est le garant de l'exécution fidèle du droit humanitaire ». Alors même que, dans bien des cas, les principes mêmes qui inspirent ce droit ne sont pas respectés, ils représentent des normes juridiques qui, il faut l'espérer, finiront par s'imposer.

Le professeur G. I. A. D. Draper, lui aussi, fait une analyse très poussée des quatre Conventions de Genève de 1949 qu'il définit, dès le début, comme « the latest and fullest development of the humanitarian legal tradition as it has emerged during the last one hundred years ». Il en expose les principes généraux et les articles communs, notamment l'article 3, auquel M. Pinto avait voué une attention particulière et qui fut, en 1949,

<sup>1</sup> Recueil des Cours 1965-I, A.W. Sijthoff, Leyde, 582 p.

# Recueil Des Cours Volume 58 1936iv Recueil Des Cours

**Shotaro Hamamoto,Hironobu  
Sakai,Akiho Shibata**



## **Recueil Des Cours Volume 58 1936iv Recueil Des Cours:**

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de La Haye,1990-11-01      Recueil Des Cours, 1989-I Francois Rigaux,1989-12-21      **Recueil Des Cours, Collected Courses 1980** ,1984-05-28      "L'être situé", Effectiveness and Purposes of International Law Shotaro Hamamoto,Hironobu Sakai,Akiho Shibata,2015-05-26 The traditional and mainstream conception of international law presupposes a certain ideal type of State However each State is situated in a particular context an Etat situ and the universal impartial and non discriminatory application of international law to each State often produces unjustifiable results in the real world International law thus needs to cope with this existential question in order to ensure and maintain the effectiveness of the international legal order without however being trapped by a nihilistic relativism This approach requires a flexible understanding and reconstruction of the international law making theory The present collection of essays gathers contributions written in honour of Professor Ryuichi Ida by his colleagues and former students inspired by the d dicataire who places particular emphasis upon the context effectiveness and purposes of international law The d dicataire s perspective finds wide ranging applications and the present collection deals with international economic law international criminal law international environmental law international law making the law of State responsibility and the law of international organizations Contributors are Tatsuya Abe Pierre Marie Dupuy Shotaro Hamamoto Machiko Kanetake Tomohiko Kobayashi Tomonori Mizushima Hironobu Sakai Akiho Shibata Mari Takeuchi Dai Tamada Sakda Thanitcul Zhi an Wang and Takuhei Yamada      The International Court of Justice and the Judicial Function Gleider I Hernández,2014-05-29 This book evaluates the concept of the function of law through the prism of the International Court of Justice It goes beyond a conventional analysis of the Court s case law and applicable law to consider the compromise between supranational order and state sovereignty that lies at the heart of its institutional design It argues that this compromise prevents the Court from playing a progressive role in the development of international law Instead it influences the international legal order in more subtle ways in particular in shaping understanding of the nature or form of the international legal order as a whole The book concludes that the role of the Court is not to advance some universal conception of international law but rather to decide the cases before it in the best possible way within its institutional limits while remaining aware of law s deeper theoretical foundations The book considers three key elements firstly it examines the historical aspects of the Court s constitutive Statute and the manner in which it defines its judicial character Secondly it considers the drafting process the function of a dissenting opinion and the role of the individual judge in an attempt to discern insights on the function of the Court Finally the book examines the Court s practice in regard to three conceptual issues which assist in understanding the Court s function its theory of precedent its definition of the international community and its theory on the completeness of the international legal order      **The International Legal Personality of the Individual** Astrid Kjeldgaard-Pedersen,2018-08-08 This is the first monograph to scrutinize the relationship between the concept of international legal personality as a theoretical construct and the position of the ultimate subject the individual as a matter of

positive international law By testing the four main theoretical conceptions of international legal personality against historical and existing norms of positive international law that regulate the conduct of individuals the book argues that the common narrative in contemporary scholarship about the development of the role of the individual in the international legal system is flawed Contrary to conventional wisdom international law did not apply to states alone until World War II only to transform during the second half of the 20th century so as to include individuals as its subjects Rather the answer to the question of individual rights and obligations under international law is and always was strictly empirical It follows of course that the entities governed by a particular norm tell us nothing about the legal system to which that norm belongs Instead the distinction between international law and national law turns exclusively on whether the source of the norm in question is international or national in kind Against the background of these insights the book shows how present day international lawyers continue to allow an idea which was never more than a scholarly invention of the 19th century to influence the interpretation and application of international law This state of affairs has significant real world ramifications as international legal rights and obligations of individuals and other non state entities are frequently applied more restrictively than interpretation without presumptions regarding personality would merit

**Collected courses of the Hague Academy of International Law** Hague Academy of International Law,1993 **Beyond Human Rights** Anne Peters,2016-10-27 A

paradigm change is occurring in the course of which human beings are becoming the primary international legal persons In numerous areas of public international law substantive rights and obligations of individuals arguably flow directly from international law The novel legal status of humans in international law is now captured with a concept borrowed from constitutional doctrine international rights of the person as opposed to international law protecting persons Combining doctrinal analysis with current practice this book is the most comprehensive contemporary analysis of the legal status of the individual **Beyond Human Rights** previously published in German and now revised by the author in this English edition not only deals with the individual in international humanitarian law international criminal law and international investment law but it also covers fields such as consular law environmental law protection of individuals against acts of violence and natural disasters refugee law and labour law *The International Law Commission's Draft Articles on State Responsibility* Shabtai

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Recueil Des Cours Volume 58 1936iv Recueil Des Cours: Bestsellers in 2023 The year 2023 has witnessed a noteworthy surge in literary brilliance, with numerous captivating novels captivating the hearts of readers worldwide. Lets delve into the realm of popular books, exploring the engaging narratives that have enthralled audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This poignant tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover masterfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can triumph. Uncover the Best : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids compelling storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Recueil Des Cours Volume 58 1936iv Recueil Des Cours : Delia Owens "Where the Crawdads Sing" This mesmerizing coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens spins a tale of resilience, survival, and the transformative power of nature, entrancing readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of captivating stories waiting to be discovered. The novel begins with Richard Papan, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and gripping novel that will keep you guessing until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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