

INTERNATIONAL COURT OF JUSTICE  
REPORTS OF JUDGMENTS,  
ADVISORY OPINIONS AND ORDERS

ACCORDANCE WITH INTERNATIONAL LAW  
OF THE UNILATERAL DECLARATION  
OF INDEPENDENCE  
BY THE PROVISIONAL INSTITUTIONS  
OF SELF-GOVERNMENT OF KOSOVO  
(REQUEST FOR ADVISORY OPINION)

ORDER OF 17 OCTOBER 2008

**2008**

COUR INTERNATIONALE DE JUSTICE  
RECUEIL DES ARRÊTÉS,  
AVIS CONSULTATIFS ET ORDONNANCES

CONFORMITÉ AU DROIT INTERNATIONAL  
DE LA DÉCLARATION UNILATÉRALE  
D'INDÉPENDANCE  
DES INSTITUTIONS PROVISOIRES  
D'ADMINISTRATION AUTONOME DU KOSOVO  
(REQUÊTE POUR AVIS CONSULTATIF)

ORDONNANCE DU 17 OCTOBRE 2008

# Reports Of Judgements Advisory Op 1993

**August Reinisch**



## **Reports Of Judgements Advisory Op 1993:**

*Annual Report of the National Labor Relations Board for the Fiscal Year Ended ...* United States. National Labor Relations Board, 1992

**The Development of Human Rights Law by the Judges of the International Court of Justice** Shiv R.S. Bedi, 2007-01-18 The jurisprudence of the International Court of Justice generally demonstrates that no rule of international law can be interpreted and applied without regard to its innate values and the basic principles of human rights Through its case law the ICJ has made immense contributions to the development of human rights law and in so doing continues to provide solutions to mounting international problems such as terrorism and unilateral use of force Part I of the book argues that the legislative spirit of contemporary international law lies in the doctrine of human rights and that the spirit of human rights doctrine lies in the principle of human dignity Furthermore it argues that the processes of international legislation and international adjudication are inseparable and that there is no norm of international law which does not intertwine the fundamental principle of human dignity with human rights doctrine Hence human rights law is more a school of law than merely a normative branch of international law and the ICJ's willingness to engage in the development of human rights law depends upon which judicial ideology its judges subscribe to In order to evaluate how this human rights spirit is manifested or occasionally not manifested through the vast jurisprudence of the ICJ Parts II and III critically examine the Court's principal contentious and advisory cases in which it has treated human rights questions The legal reasoning of the Court and the opinions appended to its decisions by its individual judges are analysed in light of the principle of human dignity and the doctrine of human rights

**The Interpretation of Acts and Rules in Public International Law** Alexander Orakhelashvili, 2008 This monograph examines international legal regulation analyses how it interacts with non legal factors and seeks to understand and confront the alleged inherent ambiguity and indeterminacy

*The Statute of the International Court of Justice* Andreas Zimmermann, Christian J. Tams, Karin Oellers-Frahm, Christian Tomuschat, 2019-03-21 This landmark publication in the field of international law delivers expert assessment of new developments in the important work of the International Court of Justice ICJ from a team of renowned editors and commentators The ICJ is the principal judicial organ of the United Nations and plays a central role in both the peaceful settlement of international disputes and the development of international law This comprehensive Commentary on the Statute of the International Court of Justice now in its third edition analyses in detail not only the Statute of the Court itself but also the related provisions of the United Nations Charter as well as the relevant provisions of the Court's Rules of Procedure Six years after the publication of the second edition the third edition of the Commentary embraces current events before the International Court of Justice as well as before other courts and tribunals relevant for the interpretation and application of its Statute The Commentary provides a comprehensive overview and analysis of all legal questions and issues the Court has had to address in the past and looks forward to those it will have to address in the future It illuminates the central issues of procedure and substance that the Court and counsel

appearing before it face in their day to day work In addition to commentary covering all of the articles of the Statute of the ICJ plus the relevant articles of the Charter of the United Nations the book includes two scene setting chapters Historical Introduction and General Principles of Procedural Law as well as important and instructive chapters on Counter Claims Discontinuation and Withdrawal and Evidentiary Issues *The Settlement of Disputes Involving International Organizations* August Reinisch, 2025-07-31 Disputes involving international organizations arise on both the international level as well as the level of domestic law These range from headquarters issues between States and international organizations to disputes between members as well as non members and international organizations which are settled before such diverse mechanisms as WTO ITLOS or regional international economic organization adjudication or arbitration In addition negotiation mediation and fact finding as non adjudicatory means of dispute settlement may be resorted to The more frequently arising disputes with private parties may be settled before international courts administrative tribunals arbitral tribunals and even national courts although the role of the latter is usually more limited because of the jurisdictional immunity regularly enjoyed by international organizations Based on an empirical overview of dispute settlement policy issues like access to justice the limited jurisdiction of courts and tribunals due process and adequate mechanisms of dispute settlement are discussed and some recommendations are made *Non-State Actors and International Law* Andrea Bianchi, 2017-03-02 The expression non state actors has become part and parcel of the common parlance of international lawyers Together with the traditional subjects of international law such as states and international organizations non state actors play an important role in international law making law adjudication and law enforcement processes Although the subjects actors discourse takes place in a variety of contexts most of the time the relevant narrative merely describes how different actors participate in the legal process in any given area Little attention has been drawn to the theoretical discourse about non state actors and its relation to the doctrine of the subjects of international law Whether the solution lies in relativizing the subjects or rather in subjectivizing the actors remains open to doubt The constant swing of the pendulum from the normative to the descriptive mesmerizes the observer but hardly hides the struggle for determining who may legitimately and authoritatively perform legally relevant acts on the international scene **International Organizations Before National Courts** August Reinisch, 2000-04-13 A radical empirical investigation of how national courts react to disputes involving international organizations Through comprehensive analysis of the attitudes and techniques of national courts and underlying political motives Professor Reinisch first describes various legal approaches that result in adjudication or non adjudication of disputes concerning international organizations Secondly he discusses policy issues pro and contra the adjudication of such disputes His study then scrutinizes the rationale for immunizing international organizations from domestic litigations especially the functional need for immunity and substantially debates the implications of a human rights based right of access to court on immunizing international organizations against national jurisdictions Finally he identifies contemporary trends seeking to

ascertain whether a more flexible principle exempting certain types of disputes from domestic adjudication might substitute for the traditional immunity concept which would simultaneously guarantee the functioning and independence of international organizations without impairing private parties access to a fair dispute settlement procedure

**The Future of UN Human Rights Treaty Monitoring** Philip Alston, James Crawford, 2000-05-11 Every state in the world has undertaken human rights obligations on the basis of UN treaties Today's challenge is to enhance the effectiveness of procedures and institutions established to promote the accountability of governments The six treaty bodies that monitor and evaluate state policies and practices play a vital role but the whole system has been stretched almost to breaking point It is under funded many governments fail to report or do so very late or superficially there is a growing backlog of individual complaints broad reservations have been lodged by many states and the expertise of committee members has been questioned This volume contains detailed analyses of the strengths and weaknesses of the system written by leading participants in the work of the treaty bodies Their recommendations provide a blueprint for far reaching reform of a system of major importance for the future of international efforts to protect human rights

**Justice as Message** Carsten Stahn, 2020-05-27 International criminal justice relies on messages speech acts and performative practices in order to convey social meaning Major criminal proceedings such as Nuremberg Tokyo and other post World War II trials have been branded as spectacles of didactic legality However the expressive and communicative functions of law are often side lined in institutional discourse and legal practice This innovative work brings these functions centre stage developing the idea of justice as message and outlining the expressivist foundations of international criminal justice in a systematic way Professor Carsten Stahn examines the origins of the expressivist theory in the sociology of law and the justification of punishment its articulation in practice and its broader role as method of international law He shows that expression and communication is not only an inherent part of the punitive functions of international criminal justice but is represented in a whole spectrum of practices norm expression and diffusion institutional actions performative aspects of criminal procedures and repair of harm He argues that expressivism is not a classical justification of justice or punishment on its own but rather a means to understand its aspirations and limitations to explain how justice is produced and to ground punishment rationales This book is an invitation to think beyond the confines of the legal discipline and to engage with the multidisciplinary foundations and possibilities of the international criminal justice project

**Forgotten Genocides** Rene Lemarchand, René Lemarchand, 2011-06-01 Unlike the Holocaust Rwanda Cambodia or Armenia scant attention has been paid to the human tragedies analyzed in this book From German Southwest Africa now Namibia Burundi and eastern Congo to Tasmania Tibet and Kurdistan from the mass killings of the Roms by the Nazis to the extermination of the Assyrians in Ottoman Turkey the mind reels when confronted with the inhuman acts that have been consigned to oblivion Forgotten Genocides Oblivion Denial and Memory gathers eight essays about genocidal conflicts that are unremembered and as a consequence understudied The

contributors scholars in political science anthropology history and other fields seek to restore these mass killings to the place they deserve in the public consciousness Remembrance of long forgotten crimes is not the volume s only purpose equally significant are the rich quarry of empirical data offered in each chapter the theoretical insights provided and the comparative perspectives suggested for the analysis of genocidal phenomena While each genocide is unique in its circumstances and motives the essays in this volume explain that deliberate concealment and manipulation of the facts by the perpetrators are more often the rule than the exception and that memory often tends to distort the past and blame the victims while exonerating the killers Although the cases discussed here are but a sample of a litany going back to biblical times *Forgotten Genocides* offers an important examination of the diversity of contexts out of which repeatedly emerge the same hideous realities

*Universal Human Rights and Extraterritorial Obligations* Mark Gibney, Sigrun Skogly, 2012-07-03 Globalization challenges fundamental principles governing international law especially with respect to state sovereignty and international relations This transformation has had a significant impact on the practice of trade law financial regulation and environmental law but relatively little effect on one area of law and regulation human rights *Universal Human Rights and Extraterritorial Obligations* examines both the international and domestic foundations of human rights law What other contemporary human rights debates have almost totally ignored is that in an increasingly interdependent world where public and private international actors have great influence on the lives of individuals everywhere it is insufficient to assess only the record of domestic governments in human rights It is equally important to assess the effect of actions taken by intergovernmental organizations international private entities and foreign states From this standpoint contributors to this book address how states actions or omissions may affect the prospects of individuals in foreign states and asks important questions To what extent do agricultural policies of rich countries influence the right to food in poorer countries How do decisions to screen asylum seekers outside state borders affect refugee rights How does cooperation among different states in the war on terror influence individuals rights to be free from torture This volume presents a brief for a more complex and updated approach to the protection of human rights worldwide

*Minorities, Minority Rights and Internal Self-Determination* Ulrike Barten, 2014-09-23 The book questions the classic idea of self determination the right to self determination is a right of peoples not of minorities by examining the content of the right to self determination and the content of minority rights Self determination has four dimensions the political the economic the social and the cultural dimensions Minorities have minority rights that touch on most aspects of life as a member of a minority If there is an overlap between minority rights and the different dimensions of self determination the concept that the right to self determination is only applicable to peoples loses credibility No global and general conclusion is envisaged there are restrictions in place The work is limited to the European framework and is further restricted to classic minorities The argument is based on a legitimacy and justice approach The analysis in this book shows that some minority rights overlap with the different dimensions of internal self determination In

short classic minorities in Europe have a right to internal self determination      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      *Advisory Opinion on Constitutionality of 1986 PA 281, 430 MICH 93 (1988)*, 1988 80210      **The Question of Namibia** Laurent C.W. Kaela, 2016-07-27 Following the Second World war South Africa claimed that the League of Nations mandate to administer Namibia had lapsed with the dissolution of that organization and that it was within its power to annex it It rejected UN efforts to have the territory placed under its trusteeship This marked the beginning of the intractable dispute over the international status and independence of Namibia This book analyses the role of the international community through the UN and other organizations in the search for a settlement It gives attention to the efforts of the Western Contact Group and the people of Namibia themselves and shows how conditions for a settlement ultimately emerged Finally it outlines Namibia's major post independence challenges      **The Politics of Self-Determination** Kristina Roepstorff, 2012-11-12 Since the formation of the UN in 1945 the international community has witnessed a number of violent self determination conflicts such as the disintegration of Yugoslavia Chechnya Kashmir and South Sudan that have been a major cause of humanitarian crises and destruction This book examines the scope and applicability of political self determination beyond the decolonisation process Explaining the historical evolution of self determination this book provides a theoretical examination of the concept and background Taking an interdisciplinary approach the author analyses self determination in relation to contemporary conflicts which inform and drive a coherent theoretical framework for international responses to claims for self determination Built upon an examination of the conceptual foundations of self determination this book presents a new understanding and application of self determination It addresses the important question of whether self determination claims

legitimate armed violence either by the self determining group s right to rebel or by the international community in the form of humanitarian intervention The Politics of Self Determination will be of interest to students and scholars of political science international relations security studies and conflict studies **United Nations Publications ,1995    The Relationship between the International Criminal Court and National Jurisdictions** Jo Stigen,2008-09-30 The principle of complementarity provides a framework as to when the Prosecutor of the ICC may and should interfere vis vis national judicial systems The principle acknowledges the primary right of states to prosecute while also recognising the need for international interference when states fail in this task As formulated in the Rome Statute however it leaves complex questions unresolved To mention a few When is a national criminal proceeding really an attempt to shield the perpetrator When can a national judicial system be characterised as unavailable And when will an ICC prosecution serve the interests of justice This book seeks to answer these and other related questions by interpreting the relevant provisions of the Rome Statute and discussing them in a broad context The book also critically assesses policy considerations underlying the establishment of the ICC including the implications of international criminal justice for achieving peace It asks inter alia whether the ICC should set aside an amnesty which a national truth commission has granted in an attempt to achieve a peaceful transition from tyranny to democracy **Decisions of the World Court Relevant to the UN Convention on the Law of the Sea** Barbara Kwiatkowska,2002-05-01 This pioneering publication provides A Reference Guide to the significant contributions of decisions of the World Court as the principal judicial organ of the United Nations and the world s most senior Court with the broadest material jurisdiction to the development of the law of the sea as a part of the global system of peace and security The Guide is dedicated to the Court s former President Stephen M Schwebel in appreciation of his belief that it is important for the Court to further explore its pre eminently unique role throughout the Third Millennium Whereas the format of specific entries covered by this Reference Guide largely corresponds to the Parts and Annexes of the 1982 UN Law of the Sea Convention UNCLOS and the 1994 Part XI Agreement the heading of each entry also contains as appropriate references to the 1930 League of Nations Hague Draft the four 1958 UN Geneva Conventions and the 1995 UN Straddling Stocks Agreement as well as to the 1972 UN Stockholm the 1992 Rio UNCED and the 2002 Johannesburg instruments This will enable the reader to relate the Court s decisions to the respective UNCLOS provisions as originated from and as implemented by these global framework instruments at various stages of codification and progressive development of the law of the sea The entries cover principally Judgments and Orders including the related pleadings of the PCIJ and the ICJ and those decisions of Arbitral Tribunals and other third party fora as well as national courts which have been relied upon in the Court s jurisprudence In addition the recent decisions of the ITLOS and some other fora such as the Annex VII Southern Bluefin Tuna Singapore v Malaysia Barbados Trinidad and Tobago Guyana Suriname and the Mox Plant Arbitral Tribunals as well as references to treaties are also listed under specific entries as appropriate Tables of Cases and Treaties will



importantly facilitate the use of A Reference Guide It has proven to be an indispensable tool for the Judges and governmental and other practitioners in furthering the coherent development of the law of the sea by international courts and tribunals on the one hand and for international community of academics in the adequate assessing of this development on the other hand

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