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Recueil Des Cours (Collected Courses), 1997 Hague Academy of International Law, Académie de Droit International, 1998-04-08 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 principle published in the language in which they were delivered in the Collected Courses of the Hague Academy of International Law This volume contains Procedure in the European Courts Comparisons and Proposals by R PLENDER Professor at the University of London La revision institutionnelle de l'Union européenne par M OREJA AGUIRRE membre de la Commission européenne Bruxelles Recueil Des Cours: Collected Courses of the Hague Academy of International Law 1996 Académie de Droit International, 1997 **Catalogue Des Publications en Série**

United Nations Library (Geneva, Switzerland), 2001 **Collected courses of the Hague Academy of International Law** Hague Academy of International Law, 1926 Annuaire Européen 1999/European Yearbook 1999 Francis Rosenstiel, Edith Lejard-Boutsavath, Jean-Jacques Martz, 2001-08-01 The European Yearbook promotes the scientific study of nineteen European supranational organisations and the Organisation for Economic Co operation and Development OECD Each volume contains a detailed survey of the history structure and yearly activities of each organisation and an up to date chart providing a clear overview of the member states of each organisation Each volume contains a comprehensive bibliography covering the year's relevant publications This is an indispensable work of reference for anyone dealing with the European institutions

State Succession to Responsibility for Internationally Wrongful Acts Grega Pajnkihar, 2023-08-28 Ongoing work of the International Law Commission on State succession with respect to State responsibility begs the question how does this new matter fit into the broader concept of State succession This book presents a detailed analysis of the complete codified field of State succession with new observations and the relevant elements of State responsibility Dr Grega Pajnkihar provides insight into how these two areas of international law are interlinked and why State responsibility should not be treated differently from other matters of succession **Human Choice in International Law** Anna Spain Bradley, 2021-07-22 Human Choice in International Law is an exploration of human choice in international legal and political decision making This book investigates the neurobiology of how people choose and the history of how personal choice has affected decisions about international peace and security It charts important decision moments in international law about genocide intervention into armed conflict and nuclear weapons at the central institutions of the international legal order Professor Spain Bradley analyzes the role that particular individuals serving as international judges or Security Council representatives play in shaping decision outcomes and then applies insights from neuroscience to assert the importance of analyzing how cognitive processes such as empathy emotion and bias can influence such decisionmakers Drawing upon historical accounts and

personal interviews this book reveals the beauty and struggle of human influences that shape the creation and practice of international law *Integrating Human Rights into Development Cooperation: The Case of the Lomé Convention* Karin Arts, 2021-08-04 Human rights democracy and governance concerns are prominent elements in the development cooperation policy of the European Community The relations between the European Community EC and 71 developing countries in Africa the Caribbean and Pacific ACP have proved to be a laboratory for developing ideas on these matters for translating them into binding treaty norms and for applying them in practice The experiences gained in the ACP EC relationship carry special value because they are the product of dialogue and joint decision making between groups of developed and developing states Therefore 25 years of ACP EC cooperation under the Lomé Convention provide a rich learning ground for anybody involved or interested in the debate on linking development cooperation to human rights and to human rights related concerns This book explores the international law aspects of the subject It first investigates the general international legal basis for linking development cooperation to human rights democracy and good governance Both the negative and positive ways of making such a linking by punitive and supportive measures are addressed The book then delves into the evolution of Lomé treaty norms on the subject and into the concrete human rights practices that took shape under them It explores the contributions to and influence of both the EC and ACP states on those treaty provisions and practices A comprehensive overview is provided of the support measures and sanctions resorted to in response to the human rights situation in ACP countries The book assesses the overall experiences gained and presents a synthesis of factors that proved to be constraints or conducive to the efforts to integrate human rights fully into ACP EC development cooperation The insights gained could well inform similar efforts undertaken by others **Dealing with Bribery and Corruption in International Commercial**

Arbitration Emmanuel Obiora Igbokwe, 2023-01-10 International Arbitration Law Library Volume 65 International commercial arbitration is by no means free from bribery and corruption Although a plethora of legal scholarship clearly affirms this contention a thorough study on the particularly important question of the authority and duty of international commercial arbitrators to investigate a suspicion or indication of bribery or corruption sua sponte that is on their own initiative has been surprisingly lacking This important book fills this gap inter alia by locating sua sponte authority in the position of arbitral tribunals in establishing the facts of a case and ascertaining and applying the applicable normative standards In addition to providing a comprehensive examination of how the issue of bribery and corruption is dealt with in contemporary international commercial arbitration the book also highlights the role of arbitrators in global efforts to combat transnational commercial bribery and corruption Among others the following critical issues are thoroughly investigated arbitrability of issues of public interests intermediary contracts role of arbitrators in the fact finding process party autonomy versus overriding mandatory rules iura novit curia in international commercial arbitration in the context of bribery and corruption notion of transnational or truly international public policy arbitrators duty to act as guardians of international

commerce investigative tools available to arbitrators dealing with manifestly recalcitrant parties possible consequences of violating the obligation to sua sponte investigate and the view from developing countries The analysis leans primarily on Swiss law as Switzerland is one of the most important jurisdictions in international commercial arbitration Switzerland has also been involved in some of the most famous and controversial arbitration cases wherein bribery and corruption became an issue However the study also includes a comparative analysis of the relevant laws jurisprudence and doctrine of other major arbitration venues particularly England France and Germany Not only in the light it sheds on how and whether international commercial arbitrators have hitherto justified the trust States have placed in them regarding the protection of the public interests but also in the practical solutions it offers arbitrators faced with issues of bribery and corruption this deeply researched book equips arbitration practitioners and arbitration institutions with a hitherto lacking in depth analysis on the question of sua sponte investigation It also provides invaluable insights on how this issue might affect the future legitimacy and expansion of this dispute settlement mechanism Outside the field of arbitration the book also provides jurists legal scholars in house counsel for companies doing transnational business and public officials with highly enlightening perspectives on the interaction between international commercial arbitration and public interests *State Immunity in International Law* Xiaodong Yang, 2012-09-27 Xiaodong Yang examines the issue of jurisdictional immunities of States and their property in foreign domestic courts *Gulf War Reparations and the UN Compensation Commission* Cymie R. Payne, Peter H. Sand, 2011 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 books note that the Commission also contributed to the evolution of international jurisprudence in these areas *Criminal Procedure* James R. Acker, David C. Brody, 2004 This essential resource provides students with an introduction to the rules and principles of criminal procedure law This text uses a case study approach to help students develop the analytical skills necessary to understand the origins context and evolutions of the law concentrates on US

Supreme Court decisions interpreting both state and federal constitutions and introduces students to the reference materials and strategies used for basic legal research

Antiquities Under Siege Lawrence Rothfield, 2008-03-27 As Saddam Hussein's government fell in April 2003 news accounts detailed the pillage of Iraq's National Museum Less dramatic though far more devastating was the subsequent looting at thousands of archaeological sites around the country which continues on a massive scale

State Immunity and the Violation of Human Rights Jürgen Bröhmer, 2021-09-27 The field of international human rights has been one of the most prominent and dynamic areas of public international law in recent decades At the same time the law of state immunity albeit less prominent has also been subjected to a process of dynamic change The principle of absolute immunity of states from the adjudicatory jurisdiction of foreign states has been replaced by a restrictive concept under which foreign states can be sued under certain circumstances The violation of fundamental human rights by foreign states is however still widely regarded as immunity protected conduct be it because such violations must be considered as governmental acts *acta jure imperii* or because the violations were committed outside the territory of the foreign state Consequently it is often impossible for the victim of such violations to bring damage proceedings against the foreign state based on municipal tort law in a municipal court The present study attempts to demonstrate that international law does not per se demand that foreign states be granted immunity in such cases The current state of international immunity law as evidenced by state practice and the work of several international learned bodies is surveyed extensively It is shown that the granting of immunity may contradict the procedural guarantees of the European Convention of Human Rights The impact of human rights law on the traditional concept of diplomatic protection is described The study concludes that a further restriction of the immunity privilege is necessary and criteria are offered to distinguish between violations of human rights which should remain immunity protected and violations where the interest of the perpetrating state to remain immune from foreign jurisdiction must yield to the interest of the injured individual to obtain adequate redress

Necessity and National Emergency Clauses Diane A. Desierto, 2012-01-06 States invoke economic crises and security threats to justify treaty non compliance The most dramatic recent examples of this phenomenon include necessity defences in international investment law emergency derogations in international human rights treaties exceptions for non conforming measures in international trade law and doctrinal misapplications of necessity in *jus ad bellum* and *jus in bello* Necessity and National Emergency Clauses is the first to trace the doctrine's genealogy from medieval Christian and Islamic religious history to post Westphalian practices the International Law Commission's codifications and modern treaty formulations Recognizing the doctrine's thematic linkage with the State's sovereign right to delimit international obligation the volume proposes analytical criteria to assess the lawfulness and legitimacy of interpretations of necessity and national emergency clauses within specialized treaty regimes This volume is intended for law students legal scholars arbitrators international judges and other international law practitioners interested in deriving interpretive solutions to treaty controversies on the doctrine of

necessity Diane Desierto was awarded the 2010 2011 Ambrose Gherini Prize the highest prize awarded in the field of International Law by Yale Law School for her JSD dissertation upon which this book is based

The National Courts' Mandate in the European Constitution Monica Claes, 2006-03-31 The reform of the European Constitution continues to dominate news headlines and has provoked a massive debate unprecedented in the history of EU law Against this backdrop Monica Claes book offers a bottom up view of how the Constitution might work taking the viewpoint of the national courts as her starting point and at the same time returning to fundamental principles in order to interrogate the myths of Community law Adopting a broad comparative approach she analyses the basic doctrines of Community law from both national constitutional perspectives as well as the more usual European perspective It is only by combining the perspectives of the EU and national constitutions she argues that a complete picture can be obtained and a solid theoretical base constitutional pluralism developed Her comparative analysis encompasses the law in France Belgium Denmark the Netherlands Germany Ireland Italy and the United Kingdom and in the course of her inquiry discusses a wide variety of prominent problems The book is structured around three main themes coinciding with three periods in the development of the judicial dialogue between the ECJ and the national courts The first focuses on the ordinary non constitutional national courts and how they have successfully adapted to the mandates developed by the ECJ in Simmenthal and Francovich The second examines the constitutional and other review courts and discusses the gradual transformation of the ECJ into a constitutional court and its relationship to the national constitutional courts The contrast is marked these courts are not specifically empowered by the case law of the ECJ and have reacted quite differently to the message from Luxembourg leaving them apparently on collision course with the ECJ in the areas of judicial Kompetenz Kompetenz and fundamental rights The third theme reprises the first two and places them in the context of the current debate on the Constitution for Europe and the Convention taking the perspective of the national courts as the starting point for a wide ranging examination of EU s constitutional fundamentals In so doing it argues that the new Constitution must accommodate the national perspective if it is to prove effective

Environmental Impact Assessment (EIA) in the Arctic Timo Koivurova, 2017-11-22 This title was first published in 2002 This volume examines the norms of international law that apply to the planning stage of large scale activities such as hydrocarbon exploitation mineral extraction and forestry These stationary activities those that remain at a single location for a period of time pose grave risks to the Arctic environment since the development of technology has made it profitable to exploit natural resources even in such harsh regions

Recognizing States Mikulas Fabry, 2010-02-25 This book charts the historical practice of recognizing states since the late 18th century and examines a central question raised by the new lingering demands for statehood in different parts of the world Who qualifies for international recognition as a sovereign independent state

European Union Maritime Safety Policy and International Law Henrik Ringbom, 2008 This book offers a comprehensive international law analysis of the European Union's maritime safety legislation This is a relatively

novel field of activity of the EU but its development has been very rapid Since 1993 over 40 acts of EU law have been adopted dealing with a variety of subjects such as port State control classification societies vessel traffic management ship construction environmental protection and pollution sanctions This legislation is analysed from the point of international law notably the law of the sea and the international maritime conventions Regional legislation in a field that is traditionally regulated primarily by means of international conventions is bound to create tensions with the related international conventions and with well established principles of international law This study assesses how the EU has acted as a flag State port State and coastal State and measures the trends in this development against the international legal framework More detailed legal analyses are offered for specific aspects of EU legislation that are considered to be particularly interesting from an international law point of view The relationship between EU law and international law within the internal EU legal system is also analysed from the specific perspective of maritime safety law

Beyond Human Rights Anne Peters, 2016-10-27 Beyond Human Rights previously published in German and now available in English is a historical and doctrinal study about the legal status of individuals in international law

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