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# Recueil Des Cours Collected Courses 2003 Recueil Des Cours

**Henrik Ringbom**



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effecting radical changes to protect and improve the present system of food production and distribution Starting from several reports produced by the FAO and the WHO Westra argues for the need of a complete and radical re evaluation of current practices and systems in order to meet the obligation of the international community to prevent hunger There is a particular emphasis on the problems facing the poor in the third world but also the different but equally grave problems of those in developed countries where the emphasis remains on corporate profit rather than on the protection of individuals as present dangers affect all starting from the children of all ages Most of the existing literature on hunger and food does not address the harm that current practices inflict on people globally Laura Westra's *On Hunger* focuses on the interface between food and public health and on the flawed regulations intended to protect us Food not only represents nourishment for the body it also possesses other valuable aspects that are protected by international legal instruments Westra argues for the importance of effecting radical changes to protect and improve the present system of food production and distribution This timely book explores every aspect of this challenge from the impact of climate change the role of the media and obligations to future generations Westra also considers the legality of financial contributions on the part of agribusiness to political figures and campaigns as well as their intrusion in the drafting of bills and regulatory regimes Finally the book highlights more positive developments including the expansion of the remit of the International Criminal Court to include environmental crimes *On Hunger* offers an original take on this increasingly important issue and will provide fascinating reading for scholars and students in law philosophy and human rights

**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

**A Fiduciary Approach to Delegated and Implementing Rule-Making in the EU** R. Eljalil Tauschinsky, 2019-11-10 This book focuses on the evaluation of delegated and implementing rule making based on Articles 290 and 291 TFEU These articles have attracted considerable attention since their introduction in 2009 and their implementation is one of the most hotly debated questions in European Administrative Law The book takes up this timely topic discusses it in an innovative way and offers valuable new insights Delegated and implementing acts are the most common form of EU legal acts However despite their ubiquity and relevance it is unclear how the Commission's powers to adopt these important acts relates to subjects democratic rights Accordingly the book explores the question of how the Commission's powers to adopt delegated and implementing acts can be justified The relationship between the Commission and the persons within the Member States who are directly affected by its rule making should be seen the book argues as one of institutional trust and as a result as a fiduciary relationship The book begins by defining the theoretical conditions for a justificatory approach before explaining the background and foundations of fiduciary law It then links this theoretical perspective with the realities of delegated and implementing acts describing how the various roles in fiduciary relationships map onto the rule making process that produces delegated and implementing acts and explains how the fundamental tenet of fiduciary relationships loyalty can be

included in the rule making process      *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      **Legal Translation Outsourced** Juliette R. Scott, 2018-12-19 As a result of globalization cross border transactions and litigation and multilingual legislation outsourcing legal translation has become common practice Unfortunately over reliance on such outsourcing has given rise to significant dangers including information asymmetry goal divergence and risk Legal Translation Outsourced provides the only current reference on commercial legal translation performed outside institutions Juliette Scott casts a critical eye on the practice as it now stands offering an analysis of key risks and constraints Her work is informed by empirical data of the legal translation outsourcing markets of 41 countries Scott proposes original theoretical models aimed both at training legal translators and informing all stakeholders including principals and agents These include models of legal translation performance a classification of constraints on legal translation applying upstream during and downstream of translation work and a description of the complex chain of supply Working to improve the enterprise itself Scott shows how implementing a comprehensive legal translation brief a sorely needed template can significantly benefit clients by increasing the fitness of translated texts Further she opens a number of avenues for future research with an eye to translator empowerment and professionalization      **International Investment Law and Water Resources Management** Ana Maria Daza-Clark, 2016-11-21 Hydrological variability increasing competition for water and the need for regulatory flexibility may increasingly compel governments to adopt measures with significant economic impact on foreign investment In International Investment Law and Water Resources Management Daza Clark offers an appraisal of indirect expropriation revisiting the well known doctrine of the police power Through the lens of international investment law the author explores a framework that assesses the legitimate exercise of police power with particular attention to the special nature of water resources

**Status of Forces: Criminal Jurisdiction over Military Personnel Abroad** Joop Voetelink, 2015-04-16 This book brings

into focus the legal status of armed forces on foreign territory within inter alia the context of multi national exercises and a variety of so called crisis management operations When it comes to criminal offences committed by military personnel while abroad it is important to know whether such offences fall under the criminal jurisdiction of the Sending State or that of the Host State The book analyses this question from two different perspectives namely traditional public international law and military operational law Taking his readership through two hundred years of international practice the author arrives at the current practice of laying down the status of forces deployed abroad in so called Status of Forces Agreements SOFAs Having looked at SOFAs from the two different law perspectives the author proposes the development of a Status of Forces Compendium to serve as a kind of guideline for future SOFAs The author's intention in proposing this idea is to instigate further discussion on the subject in public international law and criminal law circles and among armed forces legal advisors Joop Voetelink is an Associate Professor of Military Law at the Netherlands Defence Academy

**Third-Party Effects of Arbitral Awards** Maximilian Pika, 2019-07-11 The specialization and financial demand of global business render international transactions inherently multilateral and thus best effected through arbitration agreements However it often happens that for various reasons such as a debtor's failure to pay damages ordered by an arbitral tribunal third parties who did not consent to the original arbitration enter the scene This is the first book to examine the binding effects of international commercial arbitral awards in follow up disputes against third parties It comprehensively analyses arbitral awards third party effects under national arbitration laws the New York Convention and private international law Moreover it proposes solutions under transnational law before both courts and arbitral tribunals Applying a continuously comparative methodology that refers to specific statutory jurisprudential and scholarly sources this book explores the nature and implications of such aspects of third party involvement as the following the foundations of the doctrine of res judicata and its intrinsic connection to other tools of forum coordination the distinction between res judicata before courts on the one hand and arbitral tribunals on the other the application of non mutual preclusion in favour of third parties the potential for arbitral awards to constitute a fact in follow up disputes a comparison of rules and uncertainties on awards third party effects under various national arbitration acts preclusion agreements the arbitration agreement's scope and judgments third party effects as a shift of the participatory burden For civil law the author focuses on France and Switzerland as predominant arbitral seats and on Germany as a Model Law example Among common law countries he concentrates on England and Wales and on the United States Statutory sources with specific wording leading cases and summaries of the most important scholarly discussions are all invoked With its clear guidelines for matters currently not addressed in previous publications and likely to be raised in specific cases this 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

*The Use of Nuclear Weapons and*

*the Protection of the Environment during International Armed Conflict* Erik V Koppe, 2008-04-25 In 1996 the International Court of Justice delivered an Advisory Opinion on the legality of the use of nuclear weapons in which the Court stated that while the existing international law relating to the protection and safeguarding of the environment does not specifically prohibit the use of nuclear weapons it indicates important environmental factors that are properly to be taken into account in the context of the implementation of the principles and rules of the law applicable in armed conflict The present work analyses this conclusion focusing on the question whether or not the use of nuclear weapons during international armed conflict would violate existing norms of public international law relating to the protection and safeguarding of the environment Although the use of weaponry during armed conflict is usually related to the protection of individuals the rapidly emerging appreciation of and the worldwide realization of the intrinsic value of the natural environment as an indispensable asset for the continuation of life including human life on this planet both for present and future generations warrants a thorough and extensive examination of the question of the illegality of the employment of nuclear weapons from the point of view of international environmental protection law The book consists of two parts Part I discusses the historical development and the effects of nuclear weapons Part II discusses the protection of the environment during international armed conflict under *ius in bello* *ius ad bellum* and *ius pacis* Only then is it possible to assess the legality of the use of nuclear weapons under this particular set of rules

*Humanitarian Countermeasures* Cathrine Crämer, 2024-08-01 If humanitarian intervention is indeed an unacceptable assault on sovereignty how should we respond to a Rwanda to a Srebrenica to gross and systematic violations of human rights that offend every precept of our common humanity Kofi Annan This question asked by Kofi Annan over twenty years ago has not lost its relevance since as for instance demonstrated by the paralysis of the Security Council in the face of the continued use of chemical weapons by the Syrian regime against its own population The present work addresses the question of whether the unilateral use of force by states for humanitarian purposes hence without a Security Council authorization could be justified via the concept of humanitarian countermeasures In this context humanitarian countermeasures are derived from the notion of countermeasures which stems from the law of state responsibility as conceived in Art 49 et seq DARS and traditionally only refers to peaceful bilateral measures The core of the study is to open up countermeasures to humanitarian military action discuss the legal feasibility of such an approach while effectively containing the potential for abuse by establishing a legal framework In a final step concrete conditions for humanitarian countermeasures are defined which can guide a reinterpretation of countermeasures and the further development of customary law About the author Cathrine Crämer studied law at the Humboldt European Law School at the HU Berlin the Universit Paris II Panthéon-Assas Master's in Private International Law and at King's College London LL.M in Transnational Law She obtained her doctorate at the LMU Munich where she worked as a research assistant and taught public international law Cathrine Crämer is currently a legal trainee at the Permanent Mission of Germany to the



United Nations in New York      *Prohibited Force* Erin Pobjie, 2024-02-28 Prohibited use of force under article 2 4 of the UN Charter and customary international law has until now not been clearly defined despite its central importance in the international legal order and for international peace and security This book accordingly offers an original framework to identify prohibited uses of force including those that use emerging technology or take place in newer military domains such as outer space In doing so Erin Pobjie explains the emergence of the customary prohibition of the use of force and its relationship with article 2 4 and identifies the elements of a prohibited use of force In a major contribution to the scholarship the book proposes a framework that defines a use of force in international law and applies this framework to illustrative case studies to demonstrate its usefulness as a tool for legal scholars practitioners and students This title is also available as Open Access on Cambridge Core

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