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Recueil des Cours, 1988 Academie de Droit International de la Haye,1991-09-10 **Recueil des Cours** Academie de Droit International de la Haye,1989-07-04 Recueil des Cours, 1988-II Academie de Droit International de la Haye,1989-05-29 The Academy is a prestigious international institution for the study and teaching of Public and Private International Law and related subjects The work of the Hague Academy receives the support and recognition of the UN 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 Private International Law as Component of the Law of the Forum Michael Bogdan,2012-01-03 In spite of the undoubtedly great and rising importance of the international legislative co operation regarding private international law it must be remembered that no successful unification or harmonization of conflict rules has ever taken place on the universal level and that the conflict rules stemming from international legislative co operation between a limited number of countries give rise to the same problems as non harmonized rules whenever they have to be used in relation to countries not participating in the legislative co operation in question This book will therefore focus on the last mentioned problems and refrain from dealing with the particular issues arising from international legislative co operation in the field of private international law One of the principal aims of Michael Bogdan is to demonstrate the relationship between the national rules of private international law and the rest of the legal system of the forum country in the first place its substantive private law and its law of civil procedure as well as to illustrate the impact of the forum country s general ethical and other values on its private international law *Bowker's Law Books and Serials in Print* ,1995 *The Discourse on Customary International Law* Jean D'Aspremont,2021 This book provides an accessible and highly engaging discussion of customary international law It employs an original theoretical perspective to unpack the structures of thought that lie beneath any claims made regarding customary international law **Aircraft Accidents in the Conflict of Laws** Académie de droit international de La Haye,1988-11-18 The Academy is a prestigious international institution for the study and teaching of Public and Private International Law and related subjects The work of the Hague Academy receives the support and recognition of the UN 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 *Recueil des Cours:Vol. 220A:Index Tomes, 1988-1990* Academie de Droit International de la Haye,1998-12-16 This volume is designed to put at the disposal of the users of the Collected Courses detailed and precise research tools It is not intended to replace the general indexes but is an

attempt to fill the gaps inherent in the publication dates of the former This volume covers ten volumes of the Collected Courses published between 1988 and 1990 more than 4 000 printed pages it is the Academy s intention to produce similar index volumes on a regular basis Also included is a complete list of all the courses which have appeared in the Collected Courses to date as well as an alphabetical list of authors and a detailed list of the Academy s other publications

The Persistent Objector Rule in International Law James A. Green, 2016-03-03 The persistent objector rule is said to provide states with an escape hatch from the otherwise universal binding force of customary international law It provides that if a state persistently objects to a newly emerging norm of customary international law during the formation of that norm then the objecting state is exempt from the norm once it crystallises into law The conceptual role of the rule may be interpreted as straightforward to preserve the fundamentalist positivist notion that any norm of international law can only bind a state that has consented to be bound by it In reality however numerous unanswered questions exist about the way that it works in practice Through focused analysis of state practice this monograph provides a detailed understanding of how the rule emerged and operates how it should be conceptualised and what its implications are for the binding nature of customary international law It argues that the persistent objector rule ultimately has an important role to play in the mixture of consent and consensus that underpins international law

The Inherent Rights of Indigenous Peoples in International Law Antonietta Di Blase, Valentina Vadi, 2020-02-24 This book highlights the cogency and urgency of the protection of indigenous peoples and discusses crucial aspects of the international legal theory and practice relating to their rights These rights are not established by states rather they are inherent to indigenous peoples because of their human dignity historical continuity cultural distinctiveness and connection to the lands where they have lived from time immemorial In the past decades a new awareness of the importance of indigenous rights has emerged at the international level UN organs have adopted specific international law instruments that protect indigenous peoples Nonetheless concerns persist because of continued widespread breaches of such rights Stemming from a number of seminars organised at the Law Department of the University of Roma Tre the volume includes contributions by distinguished scholars and practitioners It is divided into three parts Part I introduces the main themes and challenges to be addressed considering the debate on self determination of indigenous peoples and the theoretical origins of indigenous sovereignty Parts II and III explore the protection of indigenous peoples afforded under the international law rules on human rights and investments respectively Not only do the contributors to this book critically assess the current international legal framework but they also suggest ways and methods to utilize such legal instruments towards the protection promotion and fulfilment of indigenous peoples rights to contribute to the maintenance of peace and the pursuit of justice in international relations DOI 10.13134/9788832136920

The Parthenon Marbles and International Law Catharine Titi, 2023-05-24 The Parthenon marbles case is the most famous international cultural heritage dispute concerning repatriation of looted antiquities the Parthenon marbles in the British Museum s Elgin Collection

The case has polarised observers ever since Elgin had the marbles hacked out of the ancient temple at the turn of the 19th century in Ottoman occupied Athens In 1816 a debt stricken Elgin sold the marbles to the British government which subsequently entrusted them to the British Museum where they have remained since then Much ink has been spilled on the Parthenon marbles The ethical and cultural merits of their repatriation have been fiercely debated for years But what has generally not been considered are the legal merits of their return in light of contemporary international law This book is the first in legal scholarship to provide an international law perspective of the cause célèbre of international cultural heritage disputes and in doing so to clarify the new customary international law on the return of cultural property unlawfully removed from its original context The book which includes a foreword by Andrew Wallace Hadrill is a unique reference work on the legal case for the return of the Parthenon marbles and the new normative framework for the protection of cultural heritage

Select Proceedings of the European Society of International Law, Volume 2, 2008 Hélène Ruiz Fabri, Ruediger

Wolfrum, Jana Gogolin, 2010-06-30 This book continues the series Select Proceedings of the European Society of International Law containing the proceedings of the Third Biennial Conference organised by ESIL and the Max Planck Institute for Comparative Public Law and International Law in 2008 The conference was entitled International Law in a Heterogeneous World reflecting an idea which is central to the ESIL philosophy Heterogeneity is considered one of the pillars upon which Europe's contribution to international law is built and the subject was considered in a number of panels including such diverse topics as migration the history of international law the rules on warfare and international environmental law

Filiation and the Protection of Parentless Children Nadjma Yassari, Lena-Maria Möller, Marie-Claude Najm, 2019-07-03

This book contains selected contributions presented during the workshop Establishing Filiation Towards a Social Definition of the Family in Islamic and Middle Eastern Law which was convened in Beirut Lebanon in November 2017 Filiation is a multifaceted concept in Muslim jurisdictions Beyond its legal aspect it encompasses the notion of inclusion and belonging thereby holding significant social implications Being the child of someone carrying one's father's name and inheriting from both parents form important pillars of personal identity This volume explores filiation nasab and alternative forms of a full parent child relationship in Muslim jurisdictions Eleven country reports ranging from Morocco to Malaysia examine how maternal and paternal filiation is established be it by operation of the law by the parties exercise of autonomy such as acknowledgement or by scientific means DNA testing in particular and how lawmakers courts and society at large view and treat children who fall outside those legal structures especially children born out of wedlock or under dubious circumstances In a second step alternative care schemes in place for the protection of parentless children are examined and their potential to recreate a legal parent child relationship is discussed In addition to the country specific analyses included in this book three further contributions explore the subject matter from perspectives of premodern Sunni legal doctrine premodern Shiite legal doctrine and the private international law regimes of contemporary Arab countries Finally a comparative analysis of the

themes explored is presented in the synopsis at the end of this volume The book is aimed at scholars in the fields of Muslim family law and comparative family law and is of high practical relevance to legal practitioners working in the area of international child law Nadjma Yassari is Leader of the Research Group Changes in God's Law An Inner Islamic Comparison of Family and Succession Law at the Max Planck Institute for Comparative and International Private Law while Lena Maria Mller is a Senior Research Fellow at the Max Planck Institute and a member of the same Research Group Marie Claude Najm is a Professor in the Faculty of Law and Political Science at Saint Joseph University of Beirut in Lebanon and Director of the Centre of Legal Studies and Research for the Arab World CEDROMA

International Taxation of Income from Services under Double Taxation Conventions Marta Castelon, 2016-04-24 The provision of international services has increased enormously mainly due to the precipitous growth of the digital economy Accordingly the interpretation and application of double taxation conventions DTCs to income from services has become a dominant focus in the international taxation This multiple award winning book is an indispensable tool for practitioners and a major contribution to the debate about tax reform It responds to the need for a comprehensive overview of the tax opportunities and risks relating to the provision of international services It also offers the first in depth analysis of the taxation of income from services vis vis the multilateral instrument MLI resulting from the OECD's Base Erosion and Profit Shifting BEPS initiative With the thorough analysis of the international taxation of income from services over the last two centuries the author sheds new light on present tax policy debates and develops workable proposals for bringing brick and mortar DTCs into the digital reality With an abundance of case studies treaty interpretations appraisals of policy discussions and practical solutions the author examines every aspect of the subject including the following the Model DTCs of the OECD the United Nations Germany and the United States their similarities and differences relationships among the MLI the Model DTCs and specific DTCs development of the provisions dealing with services in the DTCs how tax authorities and courts of different countries e.g. the United States Germany Brazil India and China apply DTC provisions on the taxation of international services opportunities and risks relating to different business practices such as the subcontracting of services provisions the hiring out of labour the secondment of employees and the engagement of contract and toll manufacturers practical questions about the taxation of different distribution models from fully edged distributors to commissionaires challenges and proposals relating to the differentiation between various types of services under DTCs the permanent establishment concept to what extent the structure purposes and scope of DTCs differ from those of the General Agreement on Trade in Services GATS how changes in the US Model DTC of 2016 affect international service provisions and proposed changes to amending the OECD and UN Model DTCs Viable proposals to simplify DTC provisions dealing with service income and align them with current challenges such as the digital economy and the increasing volume of remote services are offered particularly in light of the likely impact of the BEPS package and its subsequent MLI This book is poised to become one of the key practice resources for tax lawyers in house counsel and

policymakers in the coming years Interested academics too will benefit from the author's skill in recognizing the ongoing role of taxation fundamentals in the major revolution currently underway

State Responsibility for Breaches of Investment Contracts Jean Ho, 2018-10-25 This book critically analyses the origins the creation and the evolution of an international law on investment contract protection

The Law of International Responsibility James Crawford, Alain Pellet, Simon Olleson, Dr Kate Parlett, 2010-05-20 The law of international responsibility is one of international law's core foundational topics Written by international experts this book provides an overview of the modern law of international responsibility both as it applies to states and to international organizations with a focus on the ILC's work

Borders, Legal Spaces and Territories in Contemporary International Law Tommaso Natoli, Alice Riccardi, 2019-09-12 This book examines the challenges posed to contemporary international law by the shifting role of the border which has recently re-emerged as a central issue in international relations It posits that borders do not merely correspond to States boundaries indeed while remaining a fundamental tool for asserting States power they are in fact a collection of constantly changing spatial limits Consequently the book approaches borders as context specific limits and revisits notions traditionally linked to them jurisdiction sovereignty responsibility individual rights while also adopting the innovative approach of viewing borders as phenomena of both closedness and openness Accordingly the first part of the book addresses what happens within borders investigating the root causes of the emergence of spatial limits and re-assessing apparent extra territorial assertions of State power In turn the second part not only explores typical borderless spaces but also more generally considers the exercise of States and international organisations powers and prerogatives across or beyond borders

Five Masters of International Law Antonio Cassese, 2011-03-15 This book consists of interviews with five distinguished international lawyers from the UK USA Uruguay and France conducted by the editor Antonio Cassese between 1993 and 1995 Each interview is preceded by a brief intellectual portrait of the interviewee In his general introduction Cassese stresses that the interviews all based on the same questionnaire were intended to bring out not only the main ideas associated with each scholar in the fields of international law and international relations but also his intellectual and philosophical background his general outlook and his views of the prospects for the evolution of the international community In his final essay Cassese brings together the main threads of the interviews and points to the parallels and divergences appearing from them This book offers a unique and important insight into the legal minds and outlook of a select group of prominent scholars of international law and legal institutions during the last years of the twentieth century

International Commercial Arbitration Gary B. Born, 2014-10-01 The second edition of Gary Born's *International Commercial Arbitration* is an authoritative 4 408 page treatise in three volumes providing the most comprehensive commentary and analysis on all aspects of the international commercial arbitration process that is available The first edition of *International Commercial Arbitration* is widely acknowledged as the preeminent commentary in the field It was awarded the 2011 Certificate of Merit by the American Society of International Law and was voted the International

Dispute Resolution Book of the Year by the Oil Gas Mining and Infrastructure Dispute Management list serve in 2010 The first edition has been extensively cited in national court decisions and arbitral awards around the world The treatise comprehensively examines the law and practice of contemporary international commercial arbitration thoroughly explicating all relevant international conventions national arbitration statutes and institutional arbitration rules It focuses on both international instruments particularly the New York Convention and national law provisions in all leading jurisdictions including the UNCITRAL Model Law on International Commercial Arbitration Practitioners academics clients institutions and other users of international commercial arbitration will find clear and authoritative guidance in this work The second edition of International Commercial Arbitration has been extensively revised expanded and updated to include all material legislative judicial and arbitral authorities in the field of international arbitration prior to January 2014 It also includes expanded treatment of annulment recognition of awards counsel ethics arbitrator independence and impartiality and applicable law Overview of volumes Volume I covering International Arbitration Agreements provides a comprehensive discussion of international commercial arbitration agreements It includes chapters dealing with the legal framework for enforcing international arbitration agreements the separability presumption choice of law formation and validity nonarbitrability competence competence and the allocation of jurisdictional competence the effects of arbitration agreements interpretation and non signatory issues Volume II covering International Arbitration Procedures provides a detailed discussion of international arbitral procedures It includes chapters dealing with the legal framework for international arbitral proceedings the selection challenge and replacement of arbitrators the rights and duties of international arbitrators selection of the arbitral seat arbitration procedures disclosure and discovery provisional measures consolidation joinder and intervention choice of substantive law confidentiality and legal representation and standards of professional conduct Volume III dealing with International Arbitral Awards provides a detailed discussion of the issues arising from international arbitration awards It includes chapters covering the form and contents of awards the correction interpretation and supplementation of awards the annulment and confirmation of awards the recognition and enforcement of arbitral awards and issues of preclusion lis pendens and stare decisis

The International Law Commission's Articles on State Responsibility United Nations. International Law Commission, James Crawford, 2002 In 2001 the International Law Commission completed its work on State responsibility begun 40 years previously The Articles on Responsibility of States for Internationally Wrongful Acts marks a major step in the codification and progressive development of international law comparable in significance to the Vienna Convention on the Law of Treaties The Articles cover such topics as attributing conduct to the State defining when there has been a breach of international law and the excuses or justifications for breaches reparation for injustices the invocation of responsibility especially standing of States in the public interest and the rules relating to countermeasures The Articles develop basic concepts of international law in particular peremptory norms and obligations to the international community as

a whole They signal definitively how international law has moved away from a purely bilateral conception of responsibility to accommodate categories of general public interest human rights the environment etc

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Table of Contents Recueil Des Cours 1988 Recueil Des Cours

1. Understanding the eBook Recueil Des Cours 1988 Recueil Des Cours
 - The Rise of Digital Reading Recueil Des Cours 1988 Recueil Des Cours
 - Advantages of eBooks Over Traditional Books
2. Identifying Recueil Des Cours 1988 Recueil Des Cours
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Recueil Des Cours 1988 Recueil Des Cours
 - User-Friendly Interface
4. Exploring eBook Recommendations from Recueil Des Cours 1988 Recueil Des Cours
 - Personalized Recommendations
 - Recueil Des Cours 1988 Recueil Des Cours User Reviews and Ratings
 - Recueil Des Cours 1988 Recueil Des Cours and Bestseller Lists

-
5. Accessing Recueil Des Cours 1988 Recueil Des Cours Free and Paid eBooks
 - Recueil Des Cours 1988 Recueil Des Cours Public Domain eBooks
 - Recueil Des Cours 1988 Recueil Des Cours eBook Subscription Services
 - Recueil Des Cours 1988 Recueil Des Cours Budget-Friendly Options
 6. Navigating Recueil Des Cours 1988 Recueil Des Cours eBook Formats
 - ePub, PDF, MOBI, and More
 - Recueil Des Cours 1988 Recueil Des Cours Compatibility with Devices
 - Recueil Des Cours 1988 Recueil Des Cours Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Recueil Des Cours 1988 Recueil Des Cours
 - Highlighting and Note-Taking Recueil Des Cours 1988 Recueil Des Cours
 - Interactive Elements Recueil Des Cours 1988 Recueil Des Cours
 8. Staying Engaged with Recueil Des Cours 1988 Recueil Des Cours
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Recueil Des Cours 1988 Recueil Des Cours
 9. Balancing eBooks and Physical Books Recueil Des Cours 1988 Recueil Des Cours
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Recueil Des Cours 1988 Recueil Des Cours
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Recueil Des Cours 1988 Recueil Des Cours
 - Setting Reading Goals Recueil Des Cours 1988 Recueil Des Cours
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Recueil Des Cours 1988 Recueil Des Cours
 - Fact-Checking eBook Content of Recueil Des Cours 1988 Recueil Des Cours
 - Distinguishing Credible Sources
 13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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