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Les méthodes de coordination entre ordres juridiques en droit international privé Paolo Picone, 2000-06-13 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 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 Oxford Handbook of Women and International Law Associate Professor of Political Science J Jarpa Dawuni, J. Jarpa Dawuni, Nienke Grossman, Professor of Law and Co-Director Center for International and Comparative Law Nienke Grossman, Associate Dean for Research and I Herman Stern Research Professor Jaya Ramji-Nogales, Jaya Ramji-Nogales, Hélène Ruiz Fabri, 2025 The Oxford Handbook of Women and International Law interrogates women s interrelationship with international law s institutions norms and theoretical approaches Its 35 chapters feature diverse and interdisciplinary contributions from across the globe from leading scholars international judges and legal practitioners Disaster Management and International Space Law Diego Zannoni, 2019-06-07 Is international law equipped to tackle the challenges posed by the dramatic increase in disasters In Disaster Management and International Space Law Diego Zannoni attempts to answer this crucial question through an analysis of the main legal issues involved addressing both prevention and relief with a special focus on major space applications such as remote sensing and telecommunications and the attendant specific legal regimes It is argued that when

lives of human beings are in danger territorial sovereignty becomes to a certain extent porous and bends in front of the value of human life and the urgent need to rescue On the other hand specific obligations were identified to cooperate in the prevention and management of disasters particularly in terms of data sharing Towards an International Law of Co-progressiveness, Part II Sienho Yee, 2015-01-08 Expanding upon the normative position of co progressiveness elaborated in Towards an International Law of Co progressiveness Martinus Nijhoff 2004 this volume explores membership leadership and responsibility in the international system and how these matters reflect and inform international law Issues discussed include 1 the recognition and role of States civilizations and regions in the international system and how these entities are influenced by factors such as declarations of independence intrinsic and instrumental values diversity and public opinion 2 the distribution of power among States its legitimacy and the consequent influence this distribution has on the international system and world politics and 3 member responsibility for acts of international organizations as well as the possibility of establishing and enforcing universal jurisdiction as a tool for implementing responsibility across the world Memorialis Petar Šarčević Petar Sarcevic, 2006 This vast collection of scholarly writings examines a wide range of legal topics including for example European Private International Law of Obligations and Internal Market Legislation A Matter of Coordination Balancing Sovereignty and Party Autonomy in Private International Law Parenthood for Same Sex Couples Challenges of Private International Law from a Scandinavian Perspective The Use of Unpublished Opinions on Relocation Law by the California Courts of Appeal Hiding the Evidence Spousal Support after Divorce under American Family Law An Attempt to Contribute to the Alimony Debate Working with Children The Balance between the Protection of Children and the Right to Work with Children Changing Parenthood after Divorce The Contribution of the UNCITRAL Arbitration Rules to International Commercial Arbitration Universalism and Tradition The Use of Non binding Principles in International Commercial Law Problems in the Implementation of WTO Law in the People's Republic of China Notes on the Pellegrini Judgment of the European Court of Human Rights Professional Traditions The Reciprocating Ethics of Jurist and Judge

The Rise of China and International Law Congyan Cai,2019-09-10 The rise of China signals a new chapter in international relations How China interacts with the international legal order namely how China utilizes international law to facilitate and justify its rise and how international law is relied upon to engage a rising China has invited growing debate among academics and those in policy circles Two recent events the South China Sea Arbitration and the US China trade war have deepened tensions This book for the first time provides a systematic and critical elaboration of the interplay between a rising China and international law Several crucial questions are broached These include How has China adjusted its international legal policies as China s state identity changes over time especially as it becomes a formidable power Which methodologies has China adopted to comply with international law and in particular to achieve its new legal strategy of norm entrepreneurship How does China organize its domestic institutions to engage international law in order to further its

ascendance How does China use international law at a national level in the Chinese courts and at an international level for example lawfare in international dispute settlement And finally how should Chinese exceptionalism be understood This book contributes significantly to the burgeoning and highly relevant scholarship on China and international law Territorial Situations in International Law Enrico Milano, 2006 This work deals with the question of unlawful territorial situations i e territorial regimes that are established and maintained in defiance of international law The book represents a welcome contribution to an issue of the outmost importance in international affairs at present times It brings together elaborate theoretical discussion and thorough empirical research Students of international law practitioners and anyone interested in deepening the understanding of the role and relevance of international law to territorial occupation will greatly International Commercial Arbitration Gary B. Born, 2020-11-23 International Commercial benefit from this study Arbitration is an authoritative 4 250 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 Third Edition of International Commercial Arbitration has been comprehensively revised expanded and updated To include all legislative judicial and arbitral authorities and other materials in the field of international arbitration prior to June 2020 It also includes expanded treatment of annulment recognition of awards counsel ethics arbitrator independence and impartiality and applicable law The revised 4 250 page text contains references to more than 20 000 cases awards and other authorities and will enhance the treatise's position as the world's leading work on international arbitration. The first and second editions of International Commercial Arbitration have been routinely relied on by courts and arbitral tribunals around the world including the highest courts of the United States United Kingdom Singapore India Hong Kong New Zealand Australia the Netherlands and Canada and international arbitral tribunals including ICC SIAC LCIA AAA ICSID SCC and PCA e g U S Supreme Court GE Energy Power Conversion France SAS Corp v Outokumpu Stainless USA LLC 590 U S U S S Ct 2020 BG Group plc v Republic of Argentina 572 U S 25 U S S Ct 2014 Canadian Supreme Court Uber v Heller 2020 SCC 16 Canadian S Ct Yugraneft Corp v Rexx Mgt Corp 2010 1 R C S 649 661 Canadian S Ct U K Supreme Court Jivraj v Hashwani 2011 UKSC 40 78 U K S Ct Dallah Real Estate Swiss Federal Tribunal Judgment of 25 September 2014 DFT 5A 165 2014 Swiss Fed Trib Indian Supreme Court Bharat Aluminium v Kaiser Aluminium C A No 7019 2005 138 39 142 148 49 Indian S Ct 2012 Singapore Court of Appeal Rakna Arakshaka Lanka Ltd v Avant Garde Maritime Servs Ltd 2019 2 SLR 131 Singapore Ct App PT Perusahaan Gas Negara Persero TBK v CRW Joint Operation 2015 SGCA 30 Singapore Ct App Larsen Oil Australian Federal Court Hancock Prospecting Pty Ltd v Rinehart 2017 FCAFC 170 Australian Fed Ct Haque Court of Appeal Judgment of 18 February 2020 Case No 200 197 079 01 Hague Gerechtshof Arbitral Tribunals Lao Holdings NV v Lao People s Democratic Republic I Award in ICSID Case No ARB AF 12 6 6 August 2019 Gold Reserve Inc v Bolivarian Republic of Venezuela Decision regarding the Claimant's and the Respondent's Requests for Corrections ICSID Case No ARB AF 09 1 15 December 2014 Total SA v The

Argentine Republic Decision on Stay of Enforcement of the Award ICSID Case No ARB 04 01 4 December 2014 Millicom Int l Operations B V v Republic of Senegal Decision on Jurisdiction of the Arbitral Tribunal ICSID Case No ARB 08 20 16 July 2010 Lemire v Ukraine Dissenting Opinion of I rgen Voss ICSID Case No ARB 06 18 1 March 2011 **Arbitration in India** Dushyant Dave, Martin Hunter, Fali Nariman, Marike Paulsson, 2021-02-24 India has a long standing tradition of dispute resolution through arbitration with arbitral type regulations going back to the eighteenth century Today amendments to the 1996 Indian Arbitration Act a steady evolution of case law and new arbitral institutions position India s vibrant system once more at the forefront of international commercial dispute resolution In this handbook over forty members of the international arbitration community in India and beyond offer authoritative perspectives and insights into topics on arbitration that matter in India International arbitration practitioners Indian practitioners and scholars have combined efforts to produce a practical and informative guide on the subject Among numerous notable features the contributors provide detailed analysis and description of such aspects of arbitration as the following with a focus on the Indian context Indian application of the 1958 New York Convention law governing the merits of the dispute and awards investor state dispute settlement drafting arbitration clauses for India centric agreements managing costs and time rise of virtual arbitration and technology effect of public policy in light of extensive Indian jurisprudence and arbitration of claims relating to environmental damage Practical features include checklists for drafting arbitration clauses and a comparative chart of major commercial arbitration rules applicable to India Also included is a comparative analysis of arbitral regimes in India Singapore and England chapters on the India Model Bilateral Investment Treaty and ISDS reforms a special section on the enforcement of foreign awards a section on the drafting of the award guided by leading arbitrators and stakeholders and a review of the new 2021 ICC Rules For foreign counsel and arbitrators with arbitrations in India this complete and up to date analysis provides guidelines for practitioners corporate counsel and judges on considerations to be borne in mind with respect to arbitration with an Indian nexus and whilst seeking enforcement and execution of an arbitral award in India It will prove an effective tool for students and others in understanding and navigating the particularities and peculiarities of India's system of domestic and international commercial arbitration Yearbook of Private International Law Paul Volken, Andrea Bonomi, 2009-04-27 This is a very special volume of the Yearbook of Private International Law as it represents the celebration of the 10th anniversary of its first publication And it will continue to provide you with interesting information on the future development of private international law The new Lugano Convention on Jurisdiction and the Recognition and Enforcement of Judgments of 30 October 2007 Commercial agents under European jurisdiction rules Grunkin Paul and beyond a seminal case in the field of international family law The new Rome I Rome II Brussels I synergy Rome I and contracts on intellectual property Rome I and distribution contracts Rome I and franchise contracts Rome I and financial market contracts Special section on maintenance obligations Yearbook of Private International Law Petar Sarcevic, Andrea Bonomi, Paul

Volken, 2006-06-30 The Yearbook of Private International Law is published by Sellier ELP in cooperation with the Swiss Institute of Comparative Law This annual publication provides analysis and information on private international law developments world wide The editors commission articles of enduring importance concerning the most significant trends in the field The Yearbook also devotes attention to the important work and research carried out in the context of the Hague Conference the Haque Academy the United Nations Commission on International Trade Law UNCITRAL and the International Institute for the Unification of Private Law UNIDROIT The authority of the editors and the lasting nature of the works included make the Yearbook an integral addition to the libraries of international law scholars and practitioners Volume VII includes various topics such as Hague Convention of 30 June 2005 on Choice of Court Agreements General Problems of Private International Law in Modern Codifications De Lege Lata and De Lege Europea Ferenda Maintenance in Private International Law in the United States What's New In Latin American Private International Law International Subcontracting in EC Private International Law Recognition of Foreign Insolvency Proceedings National Reports from South Africa Ukraine Brazil and Italy Case Law Texts Materials and Recent Developments **Select Proceedings of the European Society of** International Law, Volume 1 2006 Hélène Ruiz Fabri, Emmanuelle Jouannet, Vincent Tomkiewicz, 2008-05-29 This is the first volume of proceedings arising from the biennial conference of the European Society of International Law Societe europeene de droit international edited by Emmanuelle Jouannet H l ne Ruiz Fabri and Vincent Tomkiewicz The volume presents the highlights of the Paris Conference 2006 and the papers are evenly divided between English and French language contributions It is envisaged that this will be the first volume of a series with future volumes following on from each **Secession** Marcelo G. Kohen, 2006-03-21 This book is a comprehensive study of secession from major ESIL SEDI event an international law perspective Peace Maintenance in Africa Giovanni Cellamare, Ivan Ingravallo, 2018-01-25 This book discusses the many legal aspects arising in relation to the maintenance of peace in Africa Over the past twenty years the majority of peace operations have been deployed on this continent most of them established by the UN Security Council sometimes in cooperation with the African Union and other African regional organizations with contributions from the European Union and NATO In some cases the African Union has invoked its primary responsibility for promoting peace security and stability in Africa thus questioning the legal partnership between UN and regional organizations provided for in Chapter VIII of the UN Charter The peace operations deployed in Africa have sometimes received a very robust mandate which also includes the use of force and the protection of civilians human rights The implementation of this broad mandate which goes well beyond the traditional peacekeeping approach requires considerable human and economic resources Moreover it raises several issues of concern with regard to the impact on the economic and political systems of the states in which the operations are deployed and more generally on the exercise of sovereignty over their territorial communities by these states Offering an update for lawyers in practice and in academia interested in the field of international law the book

also contributes to the theoretical studies concerning the activities of international organizations focusing on one of the most challenging issues to emerge in recent times

Corporate Environmental Accountability in International Law Elisa Morgera, 2020 This book explores the evolving role of international law in directing and controlling the conduct of business enterprises in particular multinational corporations with respect to the protection of the environment the sustainable use of natural resources and the respect of inter related human rights It assesses the progress and continuing limitations in the identification of international standards of corporate environmental accountability and responsibility and their implementation by international organizations This assessment shows the extent to which the international community has conceptually and operationally clarified its expectations about acceptable corporate conduct This second edition of Elisa Morgera's book reflects the intensified convergence of international standard setting efforts on corporate environmental accountability with parallel international developments on business and human rights and the environment It also explores the recent emergence of substantive international standards of corporate environmental responsibility which have arisen from a growing number of sectoral guidelines Equally it points to the remaining divergences in the content of international standards of corporate environmental accountability and responsibility which reflect differing views among States of their international obligations to ensure the protection of the environment and the respect of human rights Provided by publisher

International Organizations and the Idea of Autonomy Richard Collins, Nigel D. White, 2011-04-20 International Organizations and the Idea of Autonomy is an exploratory text looking at the idea of intergovernmental organizations as autonomous international actors In the context of concerns over the accountability of powerful international actors exercising increasing levels of legal and political authority in areas as diverse as education health financial markets and international security the book comes at a crucial time Including contributions from leading scholars in the fields of international law politics and governance it addresses themes of institutional autonomy in international law and governance from a range of theoretical and subject specific contexts The collection looks internally at aspects of the institutional law of international organizations and the workings of specific regimes and institutions as well as externally at the proliferation of autonomous organizations in the international legal order as a whole Although primarily a legal text the book takes a broad thematic and inter disciplinary approach In this respect International Organizations and the Idea of Autonomy offers an excellent resource for both practitioners and students undertaking courses of advanced study in international law the law of international organizations global governance as well as aspects of international relations and organization International **Commercial Contracts** Giuditta Cordero-Moss, 2024-02 Verifies the impact of national law and transnational rules on international contracts particularly those with an arbitration clause *Interlocking Constitutions* Luis I Gordillo,2012-04-25 The existence of interactions between different but overlapping legal systems has always presented challenges to black letter law This is particularly true of the relationship between international law and domestic law and the relationship between

federal law and the laws of individual federation members Moreover some organisations have created their own supranational constitutional systems the United Nations Charter is the best known and is often referred to as the World Constitution but the European Court of Justice in Luxembourg views the European Treaties as a Constitutional Charter for Europe while the European Court of Human Rights has defined the European Convention on Human Rights as a constitutional instrument of European public order It is in the dynamic relationship between domestic constitutional laws EU law the ECHR and the UN Charter that the most persistent difficulties arise In this context interordinal instability not only provokes strong academic interest but also affects what has been called governance or global government and undermines both legal certainty and individual fundamental rights Different solutions constitutionalist and pluralist have been explored but none of them has received global acceptance In this book Luis Gordillo analyses the interordinal instabilities which arise at the European level focusing on three main strands of case law and their implications Solange Bosphorus and Kadi To solve the difficulties caused by this instability Gordillo proposes a form of soft constitutionalism which he calls interordinal constitutionalism as a means to bring order and stability to global legal governance The original Spanish thesis on which this book is based was awarded the Nicol s P rez Serrano Prize by the Centro de Estudios Pol ticos y Constitucionales for the best dissertation in constitutional law 2009 2010 The Principle of Sustainability Klaus Bosselmann, 2016-02-24 This book investigates how sustainability informs the universal principles used in domestic and international law It calls for the acceptance of sustainability as a recognized legal principle which could be applied to the entire legal system rather than just environmental law and regardless of its international or domestic levels To this end the book makes a contribution to a theory of global law by discussing whether as a universally shared concern environmental protection and the principle of sustainability should contribute to the greening of the fundamental principles of law and governance The book will be a valuable resource for students researchers and policy makers working in the areas of environmental law and governance

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