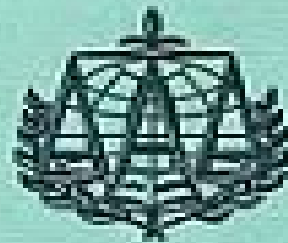


HAGUE YEARBOOK
OF INTERNATIONAL LAW



ANNUAIRE DE LA HAYE
DE DROIT INTERNATIONAL

Hague Yearbook Of International Law 2003

Grega Pajnikihar



Hague Yearbook Of International Law 2003:

Hague Yearbook of International Law / Annuaire de la Haye de Droit International, Vol. 21 (2008) Johan G Lammers, 2009-07 The title Hague Yearbook of International Law reflects the close ties which have always existed between the AAA and the City of The Hague with its international law institutions and indicates the Editor's intention to devote attention to developments taking place in those international law institutions *Hague Yearbook of International Law / Annuaire de La Haye de Droit International, Vol. 16 (2003)* A.Ch. Kiss, J.G. Lammers, 2004-10-01 This is the sixteenth volume of the Hague Yearbook of International Law which succeeds the Yearbook of the Association of Attenders and Alumni of the Hague Academy of International Law The title Hague Yearbook of International Law reflects the close ties which have always existed between the AAA and the City of The Hague with its international law institutions and indicates the Editor's intention to devote attention to developments taking place in those international law institutions viz the International Court of Justice the Permanent Court of Arbitration the Iran United States Claims Tribunal and the Hague Conference on Private International Law This volume contains in depth articles on these developments and summaries of aspects of decisions rendered by the International Court of Justice the International Criminal Court the International Criminal Tribunal for the former Yugoslavia since 1991 the Iran United States Claims Tribunal the Permanent Court of Arbitration and the Hague Peace Conference on Private International Law Yearbook of the International Law Commission United Nations. International Law Commission, 2006 *Liability for Transboundary Pollution at the Intersection of Public and Private International Law* Guillaume Laganière, 2022-02-24 This book focuses on how public and private international law address civil liability for transboundary pollution In public international law civil liability treaties promote the implementation of minimum procedural standards in domestic tort law This approach implicitly relies on private international law to facilitate civil litigation against transboundary polluters Yet this connection remains poorly understood Filling the gap this book engages in a meaningful dialogue between the two areas and explores how domestic private international law can reflect the policies developed in international environmental law It begins with an investigation of civil liability in international environmental law It then identifies preferable rules of civil jurisdiction foreign judgments and choice of law for environmental damage using Canadian private international law as a case study and making extensive references to European law Liability for transboundary pollution is a contentious issue of the law both in scholarship and practice international lawyers both private and public as well as environmental lawyers will welcome this important work Power and Pluralism in International Law Edward S. Cohen, 2022-03-10 Demonstrating the crucial role that private international law and legality has played and continues to play in shaping globalization this book argues that the rules institutions and actors that make up the practice of private international law have been critical in translating political and economic power into legal regimes that have facilitated the processes of globalization These processes depend on two fundamental types of socio

political action the legal structuring of emerging transnational spaces and flows of goods capital and finance and the legal political reconfiguration of state power and priorities to facilitate the growth of these spaces and their penetration into national political economic and social spaces While a variety of processes were involved in these forms of action the material practices of private international law played a central role in this project of political economic reconstruction Offering a theory of private international legality as a practice that intersects with and provides a vehicle for the mobilization of political and economic power this book examines the construction and enrolment of private law expertise and the structural condition of pluralism in the global political economy to argue that private international law has helped construct a global political economy responsive to the priorities of powerful actors and resistant to the demands and interests of the rest of the world's populations It will be of interest to academics and students exploring the relationship between law international political economy and the nature of state power

Immunities and the Right of Access to Court Under Article 6 of the European Convention on Human Rights Matthias Kloth, 2010 Combining immunities under public international law and privileges afforded to certain bodies and persons by domestic law this book discusses the case law of the European Court of Human Rights on the conflict between immunities and Article 6 of the European Convention on Human Rights

The Sovereignty Paradox Dominik Zaum, 2007-02-01 The post cold war years have witnessed an unprecedented involvement by the United Nations in the domestic affairs of states to end conflicts and rebuild political and administrative institutions International administrations established by the UN or Western states have exercised extensive executive legislative and judicial authority over post conflict territories to facilitate institution building and provide for interim governance This book is a study of the normative framework underlying the international community's statebuilding efforts Through detailed case studies of policymaking by the international administrations in Bosnia and Herzegovina Kosovo and East Timor based on extensive interviews and work in the administrations the book examines the nature of this normative framework and highlights how norms shape the institutional choices of statebuilders the relationship between international and local actors and the exit strategies of international administrations The book argues that a particular conception of sovereignty as responsibility has influenced the efforts of international administrations and shows that their statebuilding activities are informed by the idea that post conflict territories need to meet certain normative tests before they are considered legitimate internationally The restructuring of political and administrative practices to help post conflict territories to meet these tests creates a sovereignty paradox international administrations compromise one element of sovereignty the right to self government in order to implement domestic reforms to legitimise the authority of local political institutions and thus strengthen their sovereignty In the light of the governance and development record of the three international administrations the book assesses the promises and the pathologies of statebuilding and develops recommendations to improve their performance

Promoting Compliance in an Evolving Climate Regime Jutta Brunnée, Meinhard Doelle, Lavanya

Rajamani, 2012 Assesses the existing compliance system of the UN climate regime and examines the key challenges for the emerging post 2012 system

International Criminal Justice. Cooperation and fighting of male sexual crimes

Dimitris Liakopoulos, 2019-04-01 Document from the year 2019 in the subject Law European and International Law

Intellectual Properties Tufts University language English abstract The focus of this book is the analysis of male sexual crimes in international criminal justice The first part of the present research work is focused on the legal analysis of the relevant articles of international criminal court s Statute regarding the obligation of cooperation between states for the punishment of serious crimes against humanity and war Judicial development starting with the ad hoc tribunals and arriving at causes at various stages of proceedings still ongoing in the International Criminal Court ICC opens doctrinal and comparative national debates especially in the case of lacking states cooperation seeking to elaborate specific topics such as the obligation of states cooperation requests for assistance during preliminary investigations during inquires and confidential information Court assistance to states parties participating in the Statute suspending the execution of a request the role of the prosecutor and the non assistance of some states impede the development and operation of international criminal justice The second part has attempted to analyze sexual crimes and especially the crime of male rape The jurisprudence of international criminal tribunals and the ICC have tried to qualify rape either as a crime of genocide in the form of serious and physical injuries even if not necessarily permanent lett b Art 6 of the Rome Statute or as a crime against humanity where there are elements of context and above all material elements that emerge from the definitions given by the ad hoc tribunals and the elements of crimes or even as a war crime in case it is implemented to that of sexual violence according to a gender specific relationship to species Judges through the jurisprudence have included in this context any conduct of a sexual type of aggression to human dignity that does not consist in an act of penetration and that does not involve physical contact The contrasts are always open Due to the lack of dealing with a particular crime and difficult to prove it or testify before an international court The indication on the level of gravity of the crime is necessary for the relevance of sexual violence and rape as crimes against humanity that we will see in the coming years

Protection of Personnel in Peace Operations

Ola Engdahl, 2007 The 1994 Convention on the Safety of United Nations and Associated Personnel Safety Convention was the first multilateral convention to deal specifically with the protection of personnel engaged in peace operations It should be viewed against the background of the increasingly volatile environments in which peace operation personnel were required to operate at the beginning of the 1990s An Optional Protocol extending the automatic application of the Safety Convention to new categories of operation was adopted in December 2005 Protection which a host government is responsible for securing for personnel in peace operations may be categorised as general and special protection The former includes for example human rights law and international humanitarian law The latter comprises privileges and immunities accorded to agents of states or organisations The contribution of the Safety Convention is mainly one of interstate penal law co operation States parties are

obligated to co operate in order to effectively prosecute the perpetrators of stipulated crimes The protection afforded by the Safety Convention may therefore be categorised as being part of an emerging legal regime against impunity An effective protection needs to address the specific challenges surrounding peace operations Some of these challenges identified in this study are related to the interplay between the rules of peace and war as well as responsibility and accountability of protected personnel It is also contended that there is a need for an effective implementation of existing rules and a careful development of so called status of forces agreements applicable in peace operations

International Arbitration and the Permanent Court of Arbitration Manuel Indlekofer, 2013-08-01 The modern tendency to restrict international arbitration to matters of commerce and investment is succumbing to a renewed recognition of the original impetus for dispute resolution by arbitration i e matters of public international law most importantly the settlement of disputes that pose a threat of international conflict Recent developments suggest a renaissance of public international arbitration most clearly manifested in the present flourishing of the Permanent Court of Arbitration PCA the oldest existing dispute settlement institution in international law As the calls for the development of new and more appropriate methods for dispute settlement in international law increased during the 1990s the PCA undertook a structural reform and is today a vital forum for dispute settlement with scores of arbitrations currently pending under its auspices This book the most comprehensive study of the institution to date covering its history its present status and its future prospects proves the PCA s contemporary relevance within the international dispute settlement framework Among aspects of the PCA s work covered are the following how public international arbitration functions in comparison to other means available for dispute settlement in international law the PCA s historical contributions to the current dispute settlement framework arbitrations between a state and a non state actor that are in whole or in part governed by public international law the fields in which public international arbitration plays a revived role the PCA s present day institutional framework and its current activities the prospects for public international arbitration and the PCA in the dispute settlement framework of the twenty first century and proposals to increase the PCA s activities in future and to sustain and enhance the institution s ongoing revitalization A very useful Practitioner s Guide provides an overview of the PCA s various services and the best means of accessing them along with a summary of the key provisions of the new PCA Arbitration Rules 2012 For lawyers who are involved in dispute resolution proceedings there can be little doubt about the PCA s relevance This book is at once an academic work indispensable for scholars of the institution and a practical guide that will be a required addition to the libraries of counsel arbitrators and others involved in dispute resolution proceedings conducted at the PCA

The Customary International Law of Human Rights William A. Schabas, 2021-06-24 Customary international law is one of the principal sources of public international law Although its existence is uncontroversial until now the content of customary international law in the area of human rights has not been analyzed in a comprehensive manner This book from one of international law s foremost scholars and practitioners

provides an unparalleled account of the customary international law of human rights. It discusses the emergence of this customary law, the debates about how it is to be identified, and the efforts at formulation of customary norms. In doing so, the book provides a useful and accessible introduction to the content of international human rights. The author uses the Universal Declaration of Human Rights as a basis to examine human rights norms and determine whether they may be described as customary. He makes use of relatively new sources of evidence of the two elements for the identification of custom: State practice and *opinio juris*. In particular, the book draws on the increasingly universal ratification of major human rights treaties and the materials generated by the Universal Periodic Review mechanism of the Human Rights Council. The book concludes that a large number of human rights norms may indeed be described as customary in nature and that courts should make greater use of custom as a source of international law.

Targeted Killings and International Law

Roland Otto, 2011-12-01. Existing international law is capable to govern the war on terror also in the aftermath of September 11, 2001. The standards generally applicable to targeted killings are those of human rights law. Force may be used in order to address immediate threats; preventive killings are permitted under strict preconditions, but targeted killings are prohibited. In the context of armed conflicts, these standards are complemented by international humanitarian law as *lex specialis*. Civilians may only be targeted while directly taking part in hostilities and posing a threat to the adversary. Also in Israel and the Occupied Territory, these standards apply. Contrary to the Israeli Supreme Court's view, international humanitarian law is not complemented by human rights law, but human rights law is to some degree complemented by international humanitarian law. According to these standards, many killings which would be legal according to the Israeli Supreme Court violate international law.

Collected Courses of the Xiamen Academy of International Law, Volume 11 (2017) Chia-Jui Cheng, 2018-01-22. The first essay of this volume is written by Hans van Loon, who was the Secretary General of The Hague Conference of Private International Law (HCCH) from 30 June 1996 to 30 June 2013 and who steered the Conference during a time of global expansion and transformation. He has been a forerunner in the formulation of modern private international law through multilateral treaties and was involved in the development of nine Hague Conventions as well as the revision of the Statute of the Hague Conference. The continued relevance of the Hague Conference in the 21st century is in large part due to his commitment to the field of private international law and his awareness of its role in a broader social context. In recent years, private international law has become intertwined with public international law. Van Loon's essay on 'At the Cross Roads of Public and Private International Law: The Hague Conference on Private International and its Work' evidences that the system of modern international law is inseparable from private international law. One of the most highly qualified figures in international marine environment law is Prof. Bimal N. Patel, Director and Professor of Public International Law, Gujarat National Law University in India. The protection and preservation of the marine environment has been the subject of global and regional cooperation within the framework of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and

other multilateral treaties thereof Prof Patel's essay on Marine Environment Law and Practice of China India Japan and Korea provides a timely study of the material sources of international marine environmental law Prof Ernst Ulrich Petersmann has been a pioneer in formulating the material part of international economic law in each of its developmental stage His essays display remarkable intellectual vitality illustrating his new initiatives in the subject of international economic law He was first invited to lecture at the Xiamen summer programme in 2006 on New Dimensions of International Economic Law and he was again invited to deliver a lecture on Methodological Problems in International Trade Investment and Health Law and Adjudication at the commemoration of the tenth anniversary of the establishment of Xiamen Academy in 2015 With his practical experience with the World Trade Organization WTO and teaching and research at the European University Institute in Florence Prof Petersmann has not only promoted and illuminated public international economic law he is also one of a group of highly qualified scholars who have been writing and collaborating with others in order to lay the foundation of modern international economic law

International and Foreign Legal Research Marci Hoffman, Mary Rumsey, 2007-12-31 International and Foreign Legal Research A Coursebook emphasizes legal research strategies applicable across the landscape of research sources covering basic concepts as well as particular subjects of international law

An Introduction to European Intergovernmental Organizations Marc Cogen, 2016-04-15 An Introduction to European Intergovernmental Organizations provides an up to date and accessible reference to European intergovernmental organizations other than the European Union The EU is so dominant that people often overlook the multitude of older and newer smaller and larger intergovernmental organizations rooted in the history of contemporary Europe which continue to help shape its future The specialized character of these organizations adds value to cooperation in Europe as a whole creates permanent channels of communication regardless of EU membership and allows the possibility for non European involvement through organizations such as the European Bank for Reconstruction and Development and NATO It also allows sub regional groups of states such as the Nordic countries or the Benelux countries to exist and express their own identity via their own organizations This book looks at the history of Non EU organizations their decision making characteristics membership policies legal powers actions and interactions with each other and the European Union A uniform scheme of analysis is used to make European intergovernmental organizations comparable and by studying them we gain a deeper understanding and insight into European affairs

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

Development-induced

Displacement and Human Rights in Africa Romola Adeola, 2020-09-21 Within the context of the 2009 Kampala Convention this book examines how a balance can be struck between the imperative of development projects and the rights of persons likely to be displaced in Africa Following independence many African states embarked on large scale development projects such as dams urban renewal and extraction of natural resources and have had to grapple with how to protect displaced communities while implementing development projects These projects were considered a panacea for Africa's development and the economic interests of the majority were often considered over and above the interests of the minority of people who were displaced by these projects This book examines how a balance can be struck between the imperative of development and the rights of displaced persons within the context of the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa the Kampala Convention Romola Adeola analyses the obligations that are placed on African states by the Kampala Convention in the context of development induced displacement This book will be of interest to scholars of human rights law forced migration African Studies and development

The Legal Foundations of INTERPOL

Rutsel Silvestre J Martha, Courtney Grafton, Stephen Bailey, 2020-11-26 Since the publication of the extremely well regarded first edition of this title the legal regime which forms the basis for INTERPOL has changed significantly due to increasing criticism and calls for reform This timely new edition provides a complete update to reflect the significant developments within the Organization since 2010 This new edition also examines INTERPOL's internal and external law and situates INTERPOL's assistance to its members in the legal regime of responsibility It is the first text to undertake this task It draws on the jurisprudence of the Commission for the Control of INTERPOL's Files and the authors extensive experience before this body to discuss in great detail how an individual can challenge INTERPOL's interventions including the issuance of notices on the basis of the Organization's internal rules It also meticulously describes the procedures under which INTERPOL members might challenge INTERPOL's interventions and how an individual can hold INTERPOL responsible for breaches of its external law Retaining the clarity of expression and expert analysis that were hallmarks of the first edition this book is required reading for practitioners and academics alike It provides academics with a valuable case study on the creation of an international organisation and the responsibility of international organisations and it offers practitioners a forensic analysis of how to challenge INTERPOL and its actions

International Law and...

August Reinisch, Mary E Footer, Christina Binder, 2016-11-03 The European Society of International Law ESIL is known for its particularly dynamic character After 10 years of existence it has proved that it is one of the most cutting edge scholarly associations in the field of public international law At its 10th Anniversary Conference in September 2014 which was held in Vienna participants assembled in order to discuss International law and the proceedings of which are published here Going beyond the usual related disciplines of political science international relations economics and history this conference ventured into less well trodden paths exploring the links between international law and cinema philosophy sports the arts and other areas of human

endeavour As the proceedings show it is clear that international law has long been influenced by other fields of law and other disciplines They also explore whether the boundaries of international law have been crossed and if so in what ways

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web the green mamba is a long slender bodied snake with smooth scales and a narrow coffin shaped head bright green scales cover a darker skin and are laid like paving stones the belly of the green mamba is a yellow to light green colour green mambas also have short fixed fangs at the front of their mouths these snakes are extremely venomous

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web physical description green mamba is considered as the smallest mambas in the world as the name implies this mamba has a bright and vibrant green color it has a slender body with scales that are laid just like paving stones against darker skins compared to its dorsal scales the scales on its belly is lighter

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web the eastern green mamba *dendroaspis angusticeps* is a highly venomous snake species of the mamba genus *dendroaspis* native to the coastal regions of southern east africa described by scottish surgeon and zoologist andrew smith in 1849 it has a slender build with a bright green back and green yellow ventral scales

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web aug 17 2022 green mamba scientific name the scientific name for this snake is *dendroaspis angusticeps* it is a highly venomous snake found in africa adults can grow to be over six feet long and they are typically a bright green color with narrow yellow or white bands running along their bodies

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web in mamba the three green mamba species are smaller 1 5 2 metres maximum 2 7 metres and are usually found in trees the east african green mamba d angusticeps of east and south africa jameson s mamba d jamesoni of central africa and the west african green mamba d viridis are all read more

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web oct 22 2017 a bright green snake that in south africa inhabits coastal kzn and is usually only found within a few kilometres of the sea in mozambique and zimbabwe the distribution may extend further inland it is often confused with harmless green snakes of the genus philothamnus and the green boomslang

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