

The Italian Yearbook of International Law

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The Italian Yearbook Of International Law 2001

Jorge E. Viñuales



The Italian Yearbook Of International Law 2001:

Italian Yearbook of International Law : 2001 Benedetto Conforti, 2003-02-01 **The Italian Yearbook of International Law** Benedetto Conforti, Luigi Ferrari Bravo, Francesco Francioni, Natalino Ronzitti, Giorgio Sacerdoti, Riccardo Pavoni, 2005-01-01

The Italian Yearbook of International Law aims at making accessible to the English speaking public the Italian contribution to the practice and literature of international law Volume XIII 2003 is organised in three main sections The first contains doctrinal contributions including articles on State responsibility for the breach of positive obligations State continuity and the case of Somalia the European Union s international relations and the notion of fragmented sovereignty self defence and the problem of attribution of the September 11 attacks on the US and the ICTY jurisprudence on jurisdiction over illegally abducted war criminals This section includes also notes on current developments such as the 2003 UNESCO Declaration on the Intentional Destruction of Cultural Heritage and the establishment of the Antarctic Treaty Secretariat as well as surveys on the activity of selected international institutions and tribunals International Law Commission World Trade Organization Law of the Sea Tribunal and European Court of Human Rights The second section covers the Italian practice in the areas of 1 judicial decisions 2 diplomatic and parliamentary practice including the parliamentary debates over the legality of the US led war against Iraq and the Italian most recent views on the proposed reform of the United Nations 3 treaty practice and 4 national legislation including the latest measures on the Italian participation to international missions of military forces The third section contains a systematic bibliographical index of Italian literature in the field of international law and reviews of recent books The volume ends with an analytical index for ready consultation that includes the main judicial cases and legal instruments cited throughout the Yearbook *The Italian Yearbook of International Law, Volume 14 (2004)* Benedetto Conforti, Luigi Ferrari Bravo, 2005-11-01

The Italian Yearbook of International Law aims at making accessible to the English speaking public the Italian contribution to the practice and literature of international law Volume XIV 2004 is organised in three main sections The first contains doctrinal contributions including articles on the UN Charter reform corporations as international actors human genetics and reproductive technology and on the ICJ Advisory Opinion on the construction of a wall in the Occupied Palestinian Territory This section includes also notes on the seminal judgment of the Italian Supreme Court in the Ferrini case setting aside immunity of a foreign State in respect of reparation claims by victims of gross violations of human rights and on the decision of the Special Court of Sierra Leone in the Charles Taylor case as well as surveys on the activity of selected international institutions and tribunals World Trade Organization Law of the Sea Tribunal and European Court of Human Rights The second section covers the Italian practice in the areas of 1 judicial decisions 2 diplomatic and parliamentary practice 3 treaty practice and 4 national legislation The third section contains a systematic bibliographical index of Italian literature in the field of international law and reviews of recent books The volume ends with an analytical index for ready consultation that includes the main judicial cases and legal instruments cited

throughout the Yearbook **The Italian Yearbook of International Law** ,2008 **International Cultural Heritage Law in Armed Conflict** Marina Lostal,2017-03-30 Using contemporary case studies this book offers a novel legal perspective on the protection of cultural heritage during war **The Protection of Cultural Heritage During Armed Conflict** Noelle Higgins,2020-04-13 This book analyses the current legal framework seeking to protect cultural heritage during armed conflict and discusses proposed and emerging paradigms for its better protection Cultural heritage has always been a victim of conflict with monuments and artefacts frequently destroyed as collateral damage in wars throughout history In addition works of art have been viewed as booty by victors and stolen in the aftermath of conflict However deliberate destruction of cultural sites and items has also occurred and the Intentional destruction of cultural heritage has been a hallmark of recent conflicts in the Middle East and North Africa where we have witnessed unprecedented systematic attacks on culture as a weapon of war In Iraq Syria Libya Yemen and Mali extremist groups such as ISIS and Ansar Dine have committed numerous acts of iconoclasm deliberately destroying heritage sites and looting valuable artefacts symbolic of minority cultures This study explores how the international law framework can be fully utilised in order to tackle the destruction of cultural heritage and analyses various paradigms which have recently been suggested for its better protection including the Responsibility to Protect paradigm and the peace and security paradigm This volume will be an essential resource for scholars and practitioners in the areas of public international law especially international humanitarian law and cultural heritage law **Il patrimonio culturale intangibile nelle sue diverse dimensioni** Tullio Scovazzi,2012 **The Development and Effectiveness of International Administrative Law** Olufemi Elias,2012-07-25 International administrative law or more precisely the law of the international civil service has been the focus of increased attention in recent years A part of the discussion has focused on the design of the justice mechanisms of international organizations exemplified by the overhaul of the internal justice system of the United Nations in 2009 The internal justice systems of some international organizations have been subjected to scrutiny before some national courts and the role and contribution of international administrative tribunals to the development of the law continue to be an important part of discussions of good governance and accountability of international organizations The essays in this book written by judges practitioners academics and other experts address these and other issues *Accountability for Human Rights Atrocities in International Law* Steven R. Ratner,Jason S. Abrams,James L. Bischoff,2009-01-29 This book explores the promises and limitations of holding individuals accountable for violations of international human rights and humanitarian law It analyses the principal crimes under international law such as genocide crimes against humanity and war crimes and appraises both prosecutorial and other key mechanisms developed to bring individuals to justice After applying their conclusions in a detailed case study the authors offer a series of compelling conclusions on the prospects for accountability This fully updated new edition contains expanded coverage of national trials under universal jurisdiction international criminal tribunals including the

International Criminal Court new hybrid tribunals in Cambodia and elsewhere truth commissions and lustration It also explores individual accountability for terrorist acts and for abuses committed in the name of counter terrorism policy

Armed Non-State Actors in International Humanitarian and Human Rights Law Konstantinos Mastorodimos, 2017-05-15
The accountability of armed non state actors is a neglected field of international law overtaken by the regimes of state responsibility and individual criminal accountability as well as fears of legitimacy Yet armed non state actors are important players in the international arena and their activities have significant repercussions This book focuses on their obligations and accountability when they do not function as state agents regardless of the existence or extent of accountability of their individual members The author claims that their distinct features lead to their classification into three different types de facto entities armed non state actors in control of territory and common article 3 armed non state actors The mechanisms that trigger the applicability of humanitarian and human rights law regimes are examined in detail as well as the framework of obligations In both cases the author argues that armed non state actors should not be treated as entering international law and process exclusively through the state The study concludes by focussing on their accountability in international humanitarian and human rights law and more specifically to the rules of attribution remedies and reparations for violations of their primary obligations

External Relations Law of the European Community Rasmussen Holdgaard, 2008-01-01
External Relations Law of the European Community begins by noting two common characteristics of legal analyses in the field of EU external relations First most legal analyses assume that EC external relations law cannot be studied or applied without a constant awareness of the underlying political dynamics Yet the same analyses fail to explain how these dynamics are to be understood assessed and systematically applied This pragmatic outlook reduces the importance and value of a self reflective rational and coherent legal language Second most legal analyses tend to focus only on n

Corporate Environmental Accountability in International Law Elisa Morgera, 2020-09-03
This fully updated second edition of Corporate Accountability in International Environmental Law examines systematically all international sources of corporate accountability standards with specific reference to environmental protection and elaborates on their theoretical and practical implications for international environmental law The book argues that although international environmental law does not bind multinational corporations and other business entities growing practice points to the emergence and consolidation of international legal standards These standards allow adapting and translating inter State obligations embodied in international environmental law into specific normative benchmarks to determine the legitimacy of the conduct of the private sector against internationally recognized values and rules The role of international organizations who in the absence of State intervention identify and promote the application of selected international environmental standards is analyzed in depth This analysis demonstrates how these international organizations are a driving force in establishing and operationalizing international standards for corporate environmental accountability The new edition includes a recent assessment of the Rio

20 Summit analysis of the UN Framework on Business and Human Rights and the 2012 Performance Standards It contains a discussion on the role of fair and equitable benefit sharing under the Convention on Biological Diversity and international human rights law and analysis of the monitoring practice of the UN Special Rapporteur on Indigenous Peoples Rights This is an open access title available under the terms of a CC BY NC ND 4.0 International licence It is offered as a free PDF download from OUP and selected open access locations

General International Law Before Human Rights Courts Frédéric Vanneste, 2010 This book analyzes how the European Court of Human Rights ECtHR and the Inter American Court of Human Rights IACtHR deal with general international law In light of the concerns of various authors about the fragmentation of international law and the human rightist aspirations of human rights law the question arises whether these human rights courts put the unity of general international law into danger The main idea of this study is that the ECtHR and the IACtHR may in principle only elaborate and not depart from or contradict general international law A departure is only acceptable if a clear *lex specialis* has been established for human rights law The author researches whether or not the sometimes different case law of both human rights courts fits into this assumption Almost all topics of general international law that have been dealt with by the ECtHR and IACtHR are analyzed including reservations application of treaties *ratione temporis* *ratione loci* and *ratione personae*

Research Handbook on Human Rights and Humanitarian Law Robert Kolb, Gloria Gaggioli, 2013-01-01 This volume by Robert Kolb and Gloria Gaggioli contributed by some of the most renowned experts in the field devotes an impressive amount of legal analysis to the most diverse aspects of the interplay between international humanitarian law and international human rights law in situations of violence in theory and practice It is bound to become an indispensable tool for scholars and practitioners alike Marco Pedrazzi University of Milan Italy This fascinating Handbook explores the interplay between international human rights law and international humanitarian law offering expert analysis on the increasingly complex issues surrounding their application in conflict areas across the world Contributors to this volume provide a comprehensive treatment of the ongoing relationship between human rights law and humanitarian law from the historical background and origins of the two bodies of law to their various applications today Divided into four parts Historical Background Common Issues The Need for a Combined Approach and Monitoring Mechanisms the Handbook presents a rich and varied spectrum of original research and thought from some of the brightest minds in the field This groundbreaking volume will surely have great appeal for anyone with a professional or academic interest in human rights law and humanitarian law from students to professors to practitioners in the field

International Law Immunities and Employment Claims Pierfrancesco Rossi, 2021-12-02 This book provides the first comprehensive analysis of the international law regime of jurisdictional immunities in employment matters Three main arguments lie at its heart Firstly this study challenges the widely held belief that international immunity law requires staff disputes to be subject to blanket or quasi absolute immunity from jurisdiction Secondly it argues that it is possible to identify well defined standards of limited immunity to be applied in

the context of employment litigation against foreign states international organizations and diplomatic and consular agents Thirdly it maintains that the interaction between the applicable immunity rules and international human rights law gives rise to a legal regime that can provide adequate protection to the rights of employees A much needed study into an under researched field of international and employment law Yearbook International Tribunal for the Law of the Sea, Volume 6 (2002) International Tribunal for the Law of th,2004-02-01 The International Tribunal for the Law of the Sea is an independent judicial body established by the United Nations Convention on the Law of the Sea to adjudicate disputes arising out of the interpretation and application of the Convention The Tribunal is open to States international organizations and other entities The Yearbook will give lawyers scholars students as well as the general public easy access to information about the jurisdiction procedure and organization of the Tribunal and also about its composition and activities in 2002 The Yearbook was prepared by the Registry of the Tribunal The Yearbook is also available in French *Annuaire A Guide to State Succession in International Investment Law* Patrick Dumberry,2018-07-27 A Guide to State Succession in International Investment Law provides a comprehensive analysis of State succession issues arising in the context of international investment law The author examines whether a successor State is bound by the investment treaties and State contracts which the predecessor State had signed with other States and foreign investors before the date of succession Actors who are called upon to apply rules of State succession in investment arbitration cases will find this book a valuable source of practical guidance with strong theoretical foundations Economic Sanctions in International Law and Practice Masahiko Asada,2019-11-07 Providing perspectives from a range of experts including international lawyers political scientists and practitioners this book assesses current theory and practice of economic sanctions discussing current legal and political challenges faced by the international community It examines both the implementation of sanctions by major powers the United States the European Union and Japan as well as assessing the impact of those sanctions through case studies of Russia Iran Syria and North Korea Balancing theoretical analysis of legal considerations with national and regional level empirical analysis it also includes coverage of sanctions issues by the UN Security Council and the EU as well as the extraterritorial application of sanctions A valuable reference for academics and practitioners *Economic Sanctions in International Law and Practice* will be useful to those working in the fields of international law diplomacy and international political economy The Rio Declaration on Environment and Development Jorge E. Viñuales,2015-02-05 The international community has long grappled with the issue of safeguarding the environment and encouraging sustainable development often with little result The 1992 Rio Declaration on Environment and Development was an emphatic attempt to address this issue setting down 27 key principles for the international community to follow These principles define the rights of people to sustainable development and the responsibilities of states to safeguard the common environment The Rio Declaration established that long term economic progress required a connection to environmental protection It was designed as an

authoritative and comprehensive statement of the principles of sustainable development law an instrument to take stock of the past international and domestic practice a guide for the design of new multilateral environmental regimes and as a reference for litigation This commentary provides an authoritative and comprehensive overview of the principles of the Declaration written by over thirty inter disciplinary contributors including both leading practitioners and academics Each principle is analysed in light of its origins and rationale The book investigates each principle s travaux pr paratoires setting out the main points of controversy and the position of different countries or groups It analyses the scope and dimensions of each principle providing an in depth understanding of its legal effects including whether it can be relied before a domestic or international court It also assesses the impact of the principles on subsequent soft law and treaty development as well as domestic and international jurisprudence The authors demonstrate the ways in which the principles interact with each other and finally provide a detailed analysis of the shortcomings and future potential of each principle This book will be of vital importance to practitioners scholars and students of international environmental law and sustainable development

Environmental Liability and the Interplay between EU Law and International Law Emanuela Orlando, 2023-07-24 The role of law in responding to global environmental problems and the interplay between different levels of regulation and governance is becoming increasingly relevant in the field of liability and reparation for environmental damage This book examines the relationship and reciprocal influences between the EU and the international legal order in a multilevel and comparative perspective in relation to the ongoing efforts to elaborate effective regimes of liability and reparation for environmental damage It offers a comparative analysis of legal developments in the field of environmental liability within the EU and at the international law level and addresses questions concerning the impact of such interaction on the development implementation and enforcement of appropriate responses to environmental damage within the respective legal orders and on a global level Given the book s focus and the transnational legal dimension of the issues covered this volume will be of great interest to legal academics and researchers working in the environmental law field from an EU law and international law perspective as well as more generally to scholars interested in the study of the relationship between EU and international law Outside academia the book will also be of great interest to practitioners wishing to get insights into the application of the law of environmental liability in the EU and at the international law level

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