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Accountability for Human Rights Atrocities in International Law

The International Court of Justice is the principal judicial organ of the United Nations, and epitomizes the very notion of international judicial institution. Yet, it decides inter-State disputes only with the parties' consent. This makes it more similar to international arbitral tribunals than other international courts. However, the permanent nature of the Court, the predetermination of procedural rules by the Statute and the Rules of Court, the public character of proceedings, the opportunity for third States to intervene in a case under Articles 62 and 63 of the Statute and the Court's role as the principal judicial organ of the United Nations mark a structural difference between the ICJ and non-institutionalized international arbitral tribunals. This book analyses if and to what extent these features have influenced the approach of the ICJ (and of the PCIJ before it) to its own judicial function and have led it to depart from the principles established in international arbitration.

Complicity and its Limits in the Law of International Responsibility

"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,"

Italian Yearbook of International Law 2003

The 1990s have been labeled the 'Sanctions Decade', since they witnessed an unprecedented intensification of the use of collective non-military enforcement measures, and in particular sanctions, by the post-Cold War reactivated Security Council. This Research Handbook studies the current practice of UN sanctions in international law, their interrelationship with other regimes and substantive areas of law, as well as issues arising from their implementation and application at the domestic level.

Is International Law International?

African Yearbook of International Law / Annuaire Africain de Droit International, Volume 12 (2004)

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.

The Italian Yearbook of International Law, Volume 14 (2004)

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 préparatoires 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.

The Italian Yearbook of International Law

Your invitation to me, as the President of the European Court of Human Rights, to conclude this year's study programme on the protection of human rights in Europe by delivering the prestigious Winston Churchill lecture is a great honour not only for me personally but for the European Court of Human Rights as a whole, and I should like to thank the European University Institute and its Academy of European Law most warmly for giving me this opportunity. You are fortunate to have had the opportunity of following a week long general course on the protection of human rights in Europe given by my colleague and friend Carl Aage Nørgaard, the President of the European Commission of Human Rights. To speak after him, in

order to bring to a close your study programme, makes my task in some respects easier because I can take it for granted that you now have a clear and comprehensive understanding of the guarantees and the functioning of the European Convention on Human Rights. On the other hand, it is, I must confess, not without a certain apprehension that I take the floor at this juncture because I am very well aware of how difficult it is to keep the attention of an audience which has had the privilege of hearing Carl Aage Nørgaard on more or less the same subject.

Terrorism and the State

Building on the previously established Millennium Development Goals, which ran from 2000-2015, the 2015 Sustainable Development Goals (SDGs) provide the UN with a roadmap for development until 2030. This topical book explores the associated legal and normative implications of these SDGs, which in themselves are not legally binding.

The Rio Declaration on Environment and Development

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 XI (2001) is organised in three main sections. The first contains doctrinal contributions featuring inter alia articles on the international law aspects of the 2001 Italian constitutional amendment, the judicial enforcement of customary human rights law and the issue of overlapping dispute settlement regimes in light of the Southern Bluefin Tuna case. A special focus of this volume is the increasingly important field of international cultural property law. Three articles deal, respectively, with the 2001 UNESCO Convention on Underwater Cultural Heritage, the 1999 Protocol to the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict, and with the intersection between cultural property law and human rights. As in the previous year, Volume XI (2001) contains a subsection devoted to surveys on the activity of the World Trade Organization, the International Tribunal for the Law of the Sea, the International Law Commission and the European Court of Human Rights. The second section covers the Italian practice in the areas of 1) judicial decisions (including significant decisions, such as the final decisions on the Baraldini case and on the return to the Italian territory of the male descendants of the House of Savoy), 2) diplomatic and parliamentary practice (such as the parliamentary debates relating to the 11 September terrorist attacks on the US), 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 a book review. The volume ends with an analytical index for ready consultation which includes the main judicial cases and legal instruments cited throughout the Yearbook.

Sovereign Defaults before International Courts and Tribunals

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 XVIII (2008) marks the tenth anniversary of the New Series of the IYIL. The Volume is organised in three sections. The first is thematically structured around a main topic and a series of doctrinal contributions on relevant and topical issues of international law. The feature theme of this volume is controversial territorial situations and the role of recognition and secession. The articles by Gioia and Tancredi bring valuable insights and intellectual rigour in this debate, while the piece by Serra examines the related issue of the legal consequences of the continued presence of the international civil administration in Kosovo. The other main articles provide innovative perspectives on two important issues: the status of private military companies in the law of armed conflicts (Sossai) and the recurring question of the treatment of WTO law by the European Community Courts (Gattinara). Doctrinal contributions also include a variety of notes covering timely topics such as the role of IAEA in the fight against nuclear terrorism, the controversial return by Italy of cultural treasures to Libya, and the choice of forum in human rights adjudication. The usual surveys on the activities of the ICJ, the ILC, the ECtHR, ICSID, international criminal justice, and the Italian practice occupy the rest of this section. The second section covers the Italian practice in the areas of i) judicial decisions; ii) diplomatic and parliamentary practice; iii) treaty practice; and iv) 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 International Court of Justice

International investment law is one of the fastest growing areas of international law. It has led to the signing of thousands of agreements, mostly in the form of investment contracts and bilateral investment treaties. Also, in the last two decades, there has been an exponential growth in the number of disputes being resolved by investment arbitration tribunals. Yet the legal principles at the basis of international investment law and arbitration remain in a state of flux. Perhaps the best illustration of this phenomenon is the wide disagreement among investment tribunals on some of the core concepts underpinning the regime, such as investment, property, regulatory powers, scope of jurisdiction, applicable law, or the interactions with other areas of international law. The purpose of this book is to revisit these conceptual foundations in order to shed light on the practice of international investment law. It is an attempt to bridge the growing gap between the theory and the practice of this thriving area of international law. The first part of the book focuses on the 'infrastructure' of the investment regime or, more specifically, on the structural arrangements that have been developed to manage foreign investment transactions and the potential disputes arising from them. The second part of the book identifies the common conceptual bases of an array of seemingly unconnected practical problems in order to clarify the main stakes and offer balanced solutions. The third part addresses the main sources of 'regime stress' as well as the main legal mechanisms

available to manage such challenges to the operation of the regime. Overall, the book offers a thorough investigation of the conflicting theoretical positions underlying international investment law, testing their worth by reference to concrete issues that have arisen in the jurisprudence. It demonstrates that many of the most important practical questions arising in practice can be addressed by a carefully dosed resort to theory.

Collected Courses of the Academy of European Law / Recueil des cours de l' Académie de droit européen

Founded in 1993, the African Yearbook, now published under the auspices of the African Foundation for International Law, is the only scholarly publication devoted exclusively to the study, development, dissemination and wider appreciation of international law in Africa as a whole. Through the scholarly analysis of international legal issues of particular relevance to the African continent, it also contributes to the acceptance of, and respect for the rule of law in intra-African relations, and for the principles of international law in general. Its uniqueness however goes beyond this, for through its special themes and general articles, it has succeeded over the years to serve as an intellectual forum where the development of international law is viewed as being integral to Africa's own development. Through the study and analysis of emerging legal issues of particular relevance to Africa, such as the creation of viable continental institutions capable of promoting unity and security for the peoples of the continent, the effective protection of human rights, the need for accountability for mass killings and massive violations of the rule of law, the promotion of a rule-based democratic culture, the role of African countries in a globalizing world economy and in international trade relations, the Yearbook strives to be responsive to the intellectual needs of African countries in the area of international law, and to the continuing struggle for creating an environment conducive to the rule of law throughout the continent. The Yearbook also provides ready access to the basic documents of African international organizations by regularly publishing the resolutions and decisions of regional and sub-regional organizations as well as the conventions, protocols and declarations adopted by pan-african agencies.

International Law Reports: Volume 71

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 XII (2002) is organised in three main sections. The first contains doctrinal contributions including articles on the historical roots of the doctrine of just war, the legacy of the UNESCO World Heritage Convention thirty years after its adoption, the issue of compensation for victims of violations of the law of war, the extraterritoriality of the European Convention on Human Rights, and on the effects of terrorism on asylum law. This section includes also surveys on the activity of international tribunals and organizations (WTO, Law of the Sea Tribunal, International Law Commission, and European Court of Human Rights) with a special focus on the ICJ case law on territorial

and boundary disputes. The second section covers the Italian practice in the areas of 1. judicial decisions (including important decisions, such as the Markovic judgement on the NATO bombing of the Yugoslav television during the 1999 war in Kosovo); 2. diplomatic and parliamentary practice (such as the Italian most recent views relating to the ongoing debate on the reform of the United Nations); 3. treaty practice; and 4. national legislation (including the new legislation on immigration and treatment of aliens and the law on co-operation with the International Criminal Tribunal for Rwanda). 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 1999

Since the first edition (published in 2009), there have been several important treaty developments, including the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) on individual communications, and significant developments in the case law on economic, social and cultural (ESC) rights. The second edition addresses these developments and explores ESC rights from foundational issues to substantive rights and systems of protection. It has been fully updated to include new material and up-to-date coverage of the case law of human rights bodies and national courts on ESC rights. In addition to the rights to health, education and work covered in the first edition, the second edition analyses new developments, such as the rights to adequate food, water and sanitation, adequate housing, social security and cultural rights. It also considers several contemporary issues including the extraterritorial human rights obligations of states in the area of economic, social and cultural rights; non-state actors; relationship of the ICESCR to other areas of international law; the Optional Protocol to the ICESCR; regional protection of ESC rights; more examples of the domestic protection of ESC rights; the protection of ESC rights of vulnerable groups; contemporary challenges to ESC rights, including poverty, corruption, armed conflicts and terrorism. It concludes by exploring the possible establishment of a World Court of Human Rights.

The Oxford Handbook of International Cultural Heritage Law

The mission of the The Italian Yearbook of International Law is to make available to the English speaking public the Italian contribution to the literature and practice of international law. Volume XXVIII (2018) opens with a Symposium on search and rescue (SAR) operations. As in every volume the following sections feature Articles, Notes and Comments, Practice of International Courts and Tribunals, Italian Practice of International Law and Bibliographies.

Principles of International Investment Law

This book offers various perspectives, with an international legal focus, on an important and underexplored topic, which has recently gained momentum: the issue of foreign fighters. It provides an overview of challenges, pays considerable attention to the status of foreign fighters, and addresses numerous approaches, both at the supranational and national level, on how to tackle this problem. Outstanding experts in the field – lawyers, historians and political scientists – contributed to the present volume, providing the reader with a multitude of views concerning this multifaceted phenomenon. Particular attention is paid to its implications in light of the armed conflicts currently taking place in Syria and Iraq. Andrea de Guttry is a Full Professor of International Law at the Scuola Superiore Sant’Anna, Pisa, Italy. Francesca Capone is a Research Fellow in Public International Law at the Scuola Superiore Sant’Anna. Christophe Paulussen is a Senior Researcher at the T.M.C. Asser Instituut in The Hague, the Netherlands, and a Research Fellow at the International Centre for Counter-Terrorism – The Hague.

Realizing Reparative Justice for International Crimes

"Italy and Human Rights in 2018: Does Omission Follow Inaction?" is the title of the 2019 Yearbook introduction. The in-depth analysis on a human rights theme offered in this edition regards the implementation of the National Action Plan against Trafficking in Human Beings (2016-2018).

A History of International Law in Italy

This volume critically reassesses the history and impact of international law in Italy. It examines how Italy's engagement with international law has been influenced and cross-fertilized by global dynamics, in terms of theories, methodologies, or professional networks. It asks to what extent historical and political turning points influenced this engagement, especially where scholars were part of broader academic and public debates or even active participants in the role of legal advisers or politicians. It explores how international law was used or misused by relevant actors in such contexts. Bringing together scholars specialized in international law and legal history, this volume first provides a historical examination of the theoretical legal analysis produced in the Italian context, exploring its main features, and dissident voices. The second section assesses the impact on international law studies of key historical and political events involving Italy, both international and domestically; and, conversely, how such events influenced perceptions of international law. Finally, a concluding section places the preceding analysis within a broader, contemporary perspective. This volume weighs in on the growing debate on the need to explore international law from comparative and local viewpoints. It shows how regional, national, and local contexts have contributed to shaping international legal rules, institutions, and doctrines; and how these in turn influenced local solutions.

The Italian Yearbook of International Law, 2007

"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 Foundations of International Investment Law

This book provides an ideal introduction to the fundamentals of international investment law and dispute settlement for students or practitioners. It combines a systematic analytical study of the texts and principles underlying investment law with a jurisprudential analysis of the case law arising in international tribunals.

Economic, Social and Cultural Rights in International Law

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.

Italian Yearbook of International Law 2017

Winner of the 2007 Paul Guggenheim Prize! Today's terrorists possess unprecedented power, but the State still plays a crucial role in the success or failure of their plans. Terrorists count on governmental inaction, toleration or support. And citizens look to the State to protect them from the dangers that these terrorists pose. But the rules of international law that regulate State responsibility for preventing terrorism were crafted for a different age. They are open to abuse and poorly suited to hold States accountable for sponsoring or tolerating contemporary terrorist activity. It is time that these rules were reconceived. Tal Becker's incisive and ground-breaking book analyses the law of State responsibility for non-State violence and examines its relevance in a world coming to terms with the threat of catastrophic terrorism. The book sets out the legal duties of States to prevent, and abstain from supporting, terrorist activity and explores how to maximise State compliance with these obligations. Drawing on a wealth of precedents and legal sources, the book offers an innovative approach to regulating State responsibility for terrorism, inspired by the principles and philosophy of causation. In so doing, it presents a new conceptual and legal framework for dealing with the complex interactions between State and non-State actors that make terrorism possible, and offers a way to harness international law to enhance human security in a post-9/11 world.

Peace Maintenance in Africa

Foreign Fighters under International Law and Beyond

In a world where diversity and pluralism are indispensable values for the balanced progress of international law, knowledge of the contribution that each State makes to the formation and development of international norms is increasingly important for both scholars and practitioners. "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. "The" "Yearbook" is organised into three main sections. The first contains doctrinal contributions featuring articles on the European human rights system and its relation to customary international law, on international control of bribery and mergers, and on the problem of accountability for gross violations of human rights. The second section covers the Italian practice in the areas of 1) judicial decisions (including the important decisions in the "Ocalan" and "Cermis" cases), 2) diplomatic and parliamentary practice, 3) treaty practice, and 4) national legislation. Relevant materials are presented by way of introductory notes and

concise legal analysis. The third part of the volume contains a systematic bibliographical index of Italian literature in the field of international law. The volume ends with an analytical index for ready consultation.

Italian Yearbook of International Law 28 (2018)

International law on sovereign defaults is underdeveloped because States have largely refrained from adjudicating disputes arising out of public debt. The looming new wave of sovereign defaults is likely to shift dispute resolution away from national courts to international tribunals and transform the current regime for restructuring sovereign debt. Michael Waibel assesses how international tribunals balance creditor claims and sovereign capacity to pay across time. The history of adjudicating sovereign defaults internationally over the last 150 years offers a rich repository of experience for future cases: US state defaults, quasi-receiverships in the Dominican Republic and Ottoman Empire, the Venezuela Preferential Case, the Soviet repudiation in 1917, the League of Nations, the World War Foreign Debt Commission, Germany's 30-year restructuring after 1918 and ICSID arbitration on Argentina's default in 2001. The remarkable continuity in international practice and jurisprudence suggests avenues for building durable institutions capable of resolving future sovereign defaults.

Yearbook of Private International Law

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 XVII (2007) is organised in three main sections. The first contains doctrinal contributions on the timely issue of the individual right of access to justice and focuses on the Inter-American human rights system, on remedies against acts of international organisations and UN Security Council's targeted sanctions, and on the participation of amici curiae in investor-State arbitrations. This section includes also shorter notes on current developments in the field of private military contractors and foreign direct investment in the recovery of cultural heritage, as well as surveys of the practice of ICJ, ITLOS, international criminal tribunals, WTO, ICSID, and the ECtHR. The second section covers the Italian practice in the areas of i) judicial decisions; ii) diplomatic and parliamentary practice; iii) treaty practice; and iv) 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.

Sustainable Development Goals

Terrorist violence is no novelty in human history and, while government reactions to it have varied over time, some lessons can be learnt from the past. Indeed, the debate on when and how a state should use emergency powers that limit individual

freedoms is nearly as old as the history of political thought. After reviewing some history of state responses to terrorist violence and their efficacy, this book sets out to assess the effects of contemporary counterterrorism law and policies on democratic states. In particular, it considers the interaction between national and international law in shaping and implementing anti-terror measures, and the difficult role of the judiciary in striking a balance between security concerns and fundamental rights. It also examines the strains this has caused on some democracies, especially a blurring in the separation of powers between the legislative, executive and judicial branches of government, giving reason to enquire afresh whether new paradigms are needed. Finally, the issue of whether the doctrine of constitutionalism can provide an appropriate frame of analysis to encapsulate current developments in international law in response to terrorism is broached. By drawing on the expertise of historians, political scientists and lawyers, this book promotes transdisciplinary dialogue, recognising that counterterrorism is an issue at the intersection of law and politics that has profound implications for democratic institutions and practices.

The Italian Yearbook of International Law, Volume 14 (2004)

The Italian Yearbook of International Law. (Eds. Francesco Capotorti, Benedetto Conforti Etc.) Vol. 2. 1976

This book examines the responsibility of States and international organizations for complicity (aid or assistance) in an internationally wrongful act. Despite the recognition of responsibility for complicity as a rule of customary international law by the International Court of Justice, this book argues that the effectiveness and utility of this form of responsibility is fraught with systemic and operational limits. These limits include a lack of clarity in its constituent elements, its co-existence with primary rules prohibiting complicity and the obligations of due diligence, its implementation and the underlying causal tests, its uncertain relationship to other forms of shared and indirect responsibility, and its potential as a form of attribution of conduct. This book submits that the content and elements of this form of responsibility need adjustments to respond more effectively to the phenomenon of complicity in international affairs. Awarded The Paul Guggenheim Prize in International Law 2017!

Research Handbook on UN Sanctions and International Law

This book deals with sentencing in international criminal law, focusing on the approach of the UN ad hoc Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR). In contrast to sentencing in domestic jurisdictions, and in spite of its growing importance, sentencing law is a part of international criminal law that is still 'under construction' and is unregulated in

many aspects. International sentencing law and practice is not yet defined by exact norms and principles and as yet there is no body of international principles concerning the determination of sentence, notwithstanding the huge volume of sentencing research and the extensive modern debate about sentencing principles. Moreover international judges receive very little guidance in sentencing matters: this contributes to inconsistencies and may increase the risk that similar cases will be sentenced in different ways. One purpose of this book is to investigate and evaluate the process of international sentencing, especially as interpreted by the ICTY and the ICTR, and to suggest a more comprehensive and coherent system of guiding principles, which will foster the development of a law of sentencing for international criminal justice. The book discusses the law and jurisprudence of the ad hoc Tribunals, and also presents an empirical analysis of influential factors and other data from ICTY and ICTR sentencing practice, thus offering quantitative support for the doctrinal analysis. This publication is one of the first to be entirely devoted to the process of sentencing in international criminal justice. The book will thus be of great interest to practitioners, academics and students of the subject.

The Italian Yearbook of International Law, Volume 17 (2007)

The mission of the 'Italian Yearbook of International Law' is to make available to the English speaking public the Italian contribution to the literature and practice of international law. Volume XXVII of the 'Italian Yearbook of International Law' features a Symposium on sanctions and restrictive measures in international law. There follows a Focus section on the ILC's work on the identification of customary international law. As in every volume the following sections, each containing a wealth of new information, are included: Notes and Comments; Practice of International Courts and Tribunals; notes and reports on the most recent Italian practice of international law; as well as indices and book reviews.

Counterterrorism: Democracy's Challenge

This volume contains summary records of the International Law Commission.

Yearbook of the International Law Commission

International law has long been dominated by the State. But it has become apparent that this bias is unrealistic and untenable in the contemporary world as the rise of the notion of common goods challenges this dominance. These common goods – typically values (like human rights, rule of law, etc) or common domains (the environment, cultural heritage, space, etc) – speak to an emergent international community beyond the society of States and the attendant rights and obligations of non-State actors. This book details how three key areas of international law – human rights, culture and the environment – are pushing the boundaries in this field. Each category is of current and ongoing significance in legal and public discourse,

as illustrated by the Syrian conflict (human rights and international humanitarian law), the destruction of mausoleums and manuscripts in Mali (cultural heritage), and the Deepwater Horizon oil spill (the environment). Each exemplifies the need to move beyond a State-focused idea of international law. This timely volume explores how the idea of common goods, in which rights and obligations extend to individuals, groups and the international community, offers one such avenue and reflects on its transformative impact on international law.

The Italian Yearbook of International Law 2008

This Handbook provides a cutting edge study of the fast developing field of international law on the protection of cultural heritage by taking stock of the recent developments and of the core concepts and current challenges. The legal protection of cultural heritage has come under renewed focus from the international community and states since the 1990s. This is evidenced by the adoption of a range of international instruments. Countries are also enacting cultural heritage legislation or overhauling existing laws within their own national territory. Contributions address the protection of immovable and movable, tangible and intangible cultural heritage in peacetime and in the event of armed conflict as well as the interaction between specific regimes of cultural heritage protection with other fields of international law, including international criminal law, human rights and humanitarian law, environmental law, international trade, investments, and intellectual property. The last part of the Handbook covers diverse regional systems of heritage protection.

Italian Yearbook of International Law : 2001

This book takes the reader on a sweeping tour of the international legal field to reveal some of the patterns of difference, dominance, and disruption that belie international law's claim to universality. Pulling back the curtain on the "divisible college of international lawyers," Anthea Roberts shows how international lawyers in different states, regions, and geopolitical groupings are often subject to distinct incoming influences and outgoing spheres of influence in ways that reflect and reinforce differences in how they understand and approach international law. These divisions manifest themselves in contemporary controversies, such as debates about Crimea and the South China Sea. Not all approaches to international law are created equal, however. Using case studies and visual representations, the author demonstrates how actors and materials from some states and groups have come to dominate certain transnational flows and forums in ways that make them disproportionately influential in constructing the "international." This point holds true for Western actors, materials, and approaches in general, and for Anglo-American (and sometimes French) ones in particular. However, these patterns are set for disruption. As the world moves past an era of Western dominance and toward greater multipolarity, it is imperative for international lawyers to understand the perspectives and approaches of those coming from diverse backgrounds. By taking readers on a comparative tour of different international law academies and textbooks, the author

encourages them to see the world through the eyes of others -- an essential skill in this fast changing world of shifting power dynamics and rising nationalism.

Sentencing in International Criminal Law

This book offers a comprehensive analysis of the law of treaties as it emerges from the interplay between the 1969 Vienna Convention on the Law of Treaties and customary international law. It revisits the basic concepts underlying the provisions of the Vienna Convention, so as to determine the actual state of the law and its foreseeable development. In doing so, it examines some of the most controversial aspects of the law of treaties. The book first explores the influence exerted by the Vienna Convention on pre-existing customary law. Certain rules of the Convention which, at the time of its adoption, appeared to fall within the realm of progressive development, can now be regarded as customary international rules. Conversely, a number of provisions of the Convention, in particular those which have been the subject of subsequent codification work by the International Law Commission, have become obsolete. It then examines the impact exerted by the Vienna Convention on the development of other fields of international law, such as the law of international responsibility and the law of international organizations. The last section of the book is devoted to cross-cutting issues, with particular reference to the notion of *jus cogens* - a concept first used in the Vienna Convention in connection with the problem of the validity of treaties and which, afterwards, has acquired a legal significance going well beyond the Convention. Written by a team of renowned international lawyers, this book offers new insight into the basic concepts and methodology of the law of treaties and its problems.

Use of Force · War and Neutrality Peace Treaties (N-Z)

Encyclopedia of Public International Law, 4: Use of Force, War, and Neutrality Peace Treaties (N-Z) focuses on hostile inter-State relations and associated questions, as well as the use of force, war, neutrality, and peace treaties. The publication first elaborates on warships, wars of national liberation, war materials, laws of war, war correspondent, war and environment, Versailles Peace Treaty (1919), use of force, United Nations peacekeeping system, United Nations forces, and unfriendly act. The text then ponders on trading with the enemy, suspension of hostilities, surrender, submarine warfare, sequestration, self-preservation, self-defense, sea warfare, safety zones, safe-conduct and safe passage, resistance movements, requisitions, and reparations after World War II. The book examines relief actions, recognition of insurgency and belligerency, prisoners of war, threat to peace, peace treaties, means to safeguard peace, pacifism, occupation after armistice, nuclear tests, non-aggression pacts, and neutrality in air warfare, land warfare, and sea warfare. The text is a vital source of information for researchers interested in the use of force, war, and neutrality peace treaties.

International Law for Common Goods

The Law of Treaties Beyond the Vienna Convention

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 Hague 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

Italian Yearbook of Human Rights 2019

This book provides a timely and systematic study of reparations in international criminal justice, going beyond a theoretical analysis of the system established at the International Criminal Court (ICC). It originally engages with recent decisions and filings at the ICC relating to reparation and how the criminal and reparative dimensions of international criminal justice can be reconciled. This book is equally innovative in its extensive treatment of the significant challenges of adjudicating on reparations, and proposing recommendations based on concrete experiences. With recent and imminent decisions from the ICC, and developments in national courts and beyond, Miriam Cohen provides a critical analysis of the theory and emerging jurisprudence of reparations for international crimes, their impact on victims and stakeholders.

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