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Federico Lenzerini

European International Law Traditions Peter Hilpold, 2020-11-20 International Law is usually considered, at least initially, to be a unitary legal order that is not subject to different national approaches. Ex definition it should be an order that transcends the national, and one that merges national perspectives into a higher understanding of law. It gains broad recognition precisely because it gives expression to a common consensus transcending national positions. The reality, however, is quite different. Individual countries' approaches to International Law, and the meanings attached to different concepts, often diverge considerably. The result is a lack of comprehension that can ultimately lead to outright conflicts. In this book, several renowned international lawyers engage in an enquiry directed at sorting out how different European nations have contributed to the development of International Law, and how various national approaches to International Law differ. In doing so, their goal is to promote a better understanding of theory and practice in International Law. /divChapter "What Are and to What Avail Do We Study European International Law Traditions?" is available open access under a Creative Commons Attribution 4.0 International License via link.springer.com.

The Culturalization of Human Rights Law Federico Lenzerini, 2014 International human rights law was originally focused on universal individual rights. This book examines the developments which have seen it change to a multi-cultural approach, one more sensitive to the cultures of the people directly affected by them. It argues that this can provide benefits, but that aspects of universalism must be retained.

Sovereign Wealth Funds and State Immunity Marco Argentini, 2024-10-28 How does the hybrid nature of SWFs affect the application of state immunity to these funds? May an SWF be sued in foreign courts for wrongful acts committed in the course of its investment activities? Can SWF investments be attached by a private creditor seeking to enforce an investment arbitration award against the fund's state of nationality? This monograph addresses these questions from the perspective of the 2004 New York Convention and six selected jurisdictions (US, UK, France, Germany, Italy, China), with the broader aim of highlighting potential new standards for implementation of the state immunity rule to SWFs.

The Decision-Making Process of Investor-State Arbitration Tribunals Mary Mitsi, 2018-12-28 In the course of a single investor-state dispute, an arbitrator may make numerous decisions, from interpreting the treaty or national laws to taking into account case law, customs and policies. In practice, this process raises important issues regarding the consistency of

decisions and the predictability and legitimacy of the decision-making process in general. Investment arbitration tribunals have developed a specialised process of legal decision making adapted to the interpretational needs that arise in the context of an investor-state dispute and to the transnational characteristics of the investment arbitration framework. This is the first book to offer an in-depth analysis of the transnational characteristics of investment arbitration and to analyse the interpretive arguments of investment tribunals and the way they use treaties, precedent, policies, general principles of law and customary law in their decision-making process. Drawing on publicly available arbitral case law supplemented with personal interviews with investment arbitrators, the author touches on such concepts and practices as the following: - an overview of various decision-making genres of arbitral tribunals: attitudinal, economic, strategic and legal; - the legal argumentation triptych of language-rhetoric-dialogue; - the specific language arbitrators have developed when interpreting the law; - how arbitrators use the concepts 'standards', 'rules', 'principles' and 'rights'; - the importance of the legal reasoning of arbitral awards and the role of rhetoric therein; - concepts of 'acceptability', 'audience' and 'legitimacy'; - limitations of the public international law interpretive methodology enshrined in the Vienna Convention; - interpretation of precedents, customary law, general principles of law and policies; - the way national and international legal orders interact in the context of interpretation; and - how decision-making is connected to the issues of predictability, consistency and the rule of law. The core of the book proposes a novel, full-edged dialogical network theory for analysing the interpretation process. As an exemplary demonstration of developing theory to keep up with practice, this unique book provides a deeply engaged means for enhancing the practice of international arbitration. Its introduction of a new field of interdisciplinary analysis employing legal argumentation theories is sure to provide inestimable guidance for institutions and policymakers, especially in light of recent proposals for the creation of a permanent investment arbitration court. Given that unveiling the legal decision-making process is critical for the well-being of the whole dispute resolution procedure, and that being aware of how arbitrators interpret the law can constitute a roadmap for counsel's arguments and approaches when dealing with cross-border disputes, the topic of this book is relevant for both academics and practitioners, and its significance can only grow as recourse to investor-state arbitration continues to expand.

Incorporating Indigenous Rights in the International Regime on Biodiversity Protection Federica Cittadino, 2019-08-12 In *Incorporating Indigenous Rights in the International Regime on Biodiversity Protection*, Federica Cittadino convincingly interprets the Convention on Biological Diversity (CBD) and its related instruments in light of indigenous rights and the principle of self-determination. Cittadino's harmonisation of these formally separated regimes serves at least two main purposes. First, it ensures respect for the human rights framework that protects indigenous rights whilst implementing the biodiversity regime. Second, harmonisation allows for the full operationalisation of the indigenous related provisions of the CBD framework that concern traditional knowledge, genetic resources, and protected areas. Federica Cittadino successfully

demonstrates that the CBD may allow for the protection of indigenous rights in ways that are more advanced than under current human rights law.

The Italian Yearbook of International Law, Volume 17 (2007) Luigi Ferrari Bravo, Francesco Francioni, Natalino Ronzitti, Giorgio Sacerdoti, Benedetto Conforti, Riccardo Pavoni, 2008-11 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.

Exclusive Jurisdiction in Intellectual Property Benedetta Ubertazzi, 2012 Exclusive jurisdiction rules related to intellectual property rights cases are insufficiently supported by the arguments usually invoked in their favor. Benedetta Ubertazzi argues that such rules are even contrary to the public international law provisions on the avoidance of a denial of justice and should therefore be abandoned.--

International Law as Social Construct Carlo Focarelli, 2012-05-24 This book explores international law as a social construct by analysing its social foundations and by re-conceptualizing the way in which it is commonly understood. It asks what law is and how it works in society, and shows why it is worth to struggle for new and better-working rules in the international legal order.

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Il Medio Oriente contemporaneo, 1914-2005 Rudy Caparrini, 2005

Studia diplomatica, 2006

Aussenbeziehungen Von Regionen in Europa und Der Welt Rudolf Hrbek, 2003

Access to Justice as a Human Right Francesco Francioni, 2007-10-25 This collection of essays examines the problem of securing access to justice in the enforcement of international human rights law. The perspectives included here include access to environmental justice, access to justice for torture victims, and access to justice before international judicial bodies.

Israele e la guerra al terrorismo Beniamino Irdi Nirenstein,2006

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Teoria politica ,2005

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Revue générale de droit ,2004

Annuaire du droit de la mer 2007 Indemer,2010-04-29

An Introduction to International Law Benedetto Conforti,Angelo Labella,2012-01-06 This book touches upon the main subjects in public international law, with special emphasis on the application of international rules within the national legal orders. The treatment of the matter is based on the practice, particularly on the case law of international and domestic courts. The main characteristic of the book is the very extensive discussion of the role of domestic courts, as well as public officials, in order to achieve the effectiveness of international law. National judges, who are considered the principal addressees of the book, are viewed as a sort of propelling force behind international law to the extent that they use, as far as possible, the means provided by municipal law to ensure compliance with international law.

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