

Guillermo Moncayo Von Hase

Jan Neumann

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.

From Bilateralism to Community Interest Ulrich Fastenrath, 2011 This festschrift, dedicated to Judge Bruno Simma, traces the development of international law from regulating bilateral state-to-state relationships towards strengthening the entire international community by protecting human security, the global environment, and human rights. It provides both

theoretical and practical insights into these sometimes conflicting goals, their basis in international law, and the role played by international institutions charged with upholding these values and interests. The work thus examines the mechanism by which international law contributes to the realization not only of individual State interests, but the interests of the international community as a whole. From this vantage point, it looks at the various functions that international law fulfills in the international community, from law-making and institution-building towards adjudication and the securing of human rights. Taken together, the contributions to this book paints a detailed, but nevertheless comprehensive picture of the realization of community interest in contemporary international law. As professor and judge, Bruno Simma has contributed to all of these tasks: providing ground-breaking theoretical work, serving in the International Law Commission and in the Committee for Economic, Social, and Cultural Rights, and finally, as a judge at the International Court of Justice in The Hague. The three introductory chapters express this unity of life and work.

2012 ,2013-03-01 Particularly in the humanities and social sciences, festschrifts are a popular forum for discussion. The IJBF provides quick and easy general access to these important resources for scholars and students. The festschrifts are located in state and regional libraries and their bibliographic details are recorded. Since 1983, more than 659,000 articles from more than 30,500 festschrifts, published between 1977 and 2011, have been catalogued.

Deutsche Nationalbibliographie und Bibliographie der im Ausland erschienenen deutschsprachigen Veröfentlichungen ,1996

Bibliografía jurídica de la integración europea ,2000

Das Schweizer Buch ,1999

Neuerwerbungen der Bibliothek ,1998

Die Intervention im WTO-Streitbeilegungsverfahren Johannes Koepp,2002 Thema der vorliegenden rechtsvergleichenden Dissertation ist ein spezieller Aspekt des seit einigen Jahren immer mehr in den Blickpunkt rückenden WTO-Streitbeilegungsverfahrens: die Möglichkeiten und verfahrensrechtlichen Modalitäten der Intervention Dritter in den originär bilateralen Parteiverfahren. Diese Themenstellung nutzt der Verfasser, um Schlaglichter auf grundsätzliche Probleme des WTO-Streitbeilegungsverfahrens zu werfen und neue Lösungsansätze zu entwickeln. Der Gang der Untersuchung orientiert sich im ersten Teil an den verschiedenen Phasen der Streitbeilegung in der Welthandelsorganisation - Konsultationsphase, Panelverfahren, Berufungsverfahren und Durchsetzungs- und Überwachungsphase. Der Autor untersucht jeweils die Voraussetzungen, denen ein Dritter genügen muß, um in den Verfahren intervenieren zu können, und analysiert die Rechtsfolgen, die sich für ihn aus einer solchen Verfahrensbeteiligung ergeben. Das Panelverfahren steht hierbei aufgrund seiner für die WTO-Streitbeilegung zentralen Bedeutung im Mittelpunkt. Vor dem Hintergrund dieser zum großen Teil durch die Praxis entwickelten Verfahren untersucht Koepp in der Folge die Interventionsprozeduren anderer

völkerrechtlicher Streitbeilegungsmechanismen (IGH, EuGH, NAFTA, ISGH und EuGHMR), um schließlich in einem dritten Schritt auf der Basis komparativer Überlegungen konkrete Vorschläge zur Verbesserung der bestehenden Verfahrensregeln der WTO-Übereinkommen zu entwickeln. Diese Prozeduren stellen zwar im großen und ganzen einen gelungenen Ausgleich der sich widerstreitenden Interessen der Parteien einerseits und der Dritten andererseits dar, weisen jedoch gleichwohl einige Schwachstellen auf. Koepp plädiert hier u. a. für eine über die bisherige »amicus curiae«-Praxis hinausgehende Öffnung der WTO-Streitbeilegungspraxis für nichtstaatliche Personen und für eine sich an dem NAFTA-Verfahren orientierende Neuerung der Interventionswirkung.

Die Koordination des WTO-Rechts mit anderen völkerrechtlichen Ordnungen Jan Neumann, 2002 Der Verfasser untersucht materiellrechtliche und prozessuale Überschneidungen und Konflikte zwischen dem Recht der Welthandelsorganisation (WTO) und völkerrechtlichen Vertragsordnungen, die inhärente Verbindungen mit internationalem Handel aufweisen. In der 2001 gestarteten aktuellen Welthandelsrunde ist die Koordination dieser Verträge ein zentrales Thema. Als methodische Einführung definiert der Autor Normenkollisionen und Programmkonflikte und untersucht den Grundsatz der gegenseitigen Unabhängigkeit völkerrechtlicher Vertragsordnungen. Klassische Vorrangregeln können die Konflikte nicht angemessen lösen. Der 2. Teil beginnt mit einer ausführlichen Analyse des Verhältnisses WTO-Recht/Umweltschutz. Dabei werden nicht nur die wesentlichen Normen des GATT, sondern auch des TBT, SPS, GATS und TRIPS dargestellt. Die Untersuchung der WTO-Rechtsprechung umfaßt neueste Fälle, z. B. EC-Asbestos und Chile-Swordfish. Ausgehend von einem Vergleich des Komplexes WTO-Recht/Umweltschutz mit dem Verhältnis des WTO-Rechts zu Arbeitsrechten, Menschenrechten, Finanzen & Entwicklung, WIPO-Konventionen, ITU- und WPV-Recht prüft Jan Neumann Methoden der materiellrechtlichen Koordination der Verträge und analysiert insbesondere die Möglichkeiten und Grenzen der harmonisierenden Vertragsauslegung. Im 3. Teil werden Probleme paralleler Streitverfahren vor internationalen Gerichten beleuchtet. Ausgehend vom Schwertfisch-Fall stellt Neumann fest, daß keine ausschließlichen, aber extravertragliche Zuständigkeiten bestehen. Zur Abwendung von Auslegungsdivergenzen können Gerichte zur Vorlage von Auslegungsfragen verpflichtet sein. Diese Arbeit wurde ausgezeichnet mit dem Zweiten Preis des Harry-Westermann-Preises 2002.

Karlsruher juristische Bibliographie ,1999

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Verzeichnis lieferbarer Bücher ,2002

Quien es quien en la Argentina ,1969

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Table of Contents Guillermo Moncayo Von Hase

1. Understanding the eBook Guillermo Moncayo Von Hase
 - The Rise of Digital Reading Guillermo Moncayo Von Hase
 - Advantages of eBooks Over Traditional Books
2. Identifying Guillermo Moncayo Von Hase
 - Exploring Different Genres
3. Choosing the Right eBook Platform
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
 - Popular eBook Platforms
 - Features to Look for in an Guillermo Moncayo Von Hase
 - User-Friendly Interface
4. Exploring eBook Recommendations from Guillermo Moncayo Von Hase
 - Personalized Recommendations

- Guillermo Moncayo Von Hase User Reviews and Ratings
- Guillermo Moncayo Von Hase and Bestseller Lists
- 5. Accessing Guillermo Moncayo Von Hase Free and Paid eBooks
 - Guillermo Moncayo Von Hase Public Domain eBooks
 - Guillermo Moncayo Von Hase eBook Subscription Services
 - Guillermo Moncayo Von Hase Budget-Friendly Options
- 6. Navigating Guillermo Moncayo Von Hase eBook Formats
 - ePub, PDF, MOBI, and More
 - Guillermo Moncayo Von Hase Compatibility with Devices
 - Guillermo Moncayo Von Hase Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Guillermo Moncayo Von Hase
 - Highlighting and Note-Taking Guillermo Moncayo Von Hase
 - Interactive Elements Guillermo Moncayo Von Hase
- 8. Staying Engaged with Guillermo Moncayo Von Hase
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Guillermo

- Moncayo Von Hase
- 9. Balancing eBooks and Physical Books Guillermo Moncayo Von Hase
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Guillermo Moncayo Von Hase
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Guillermo Moncayo Von Hase
 - Setting Reading Goals Guillermo Moncayo Von Hase
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Guillermo Moncayo Von Hase
 - Fact-Checking eBook Content of Guillermo Moncayo Von Hase
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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