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Journal Of International Law  
Review By Eszter Kirs

# ***Miskolc Journal Of International Law Review By Eszter Kirs***

This book continues the series Select Proceedings of the European Society of International Law, containing the proceedings of the Third Biennial Conference organised by ESIL and the Max Planck Institute for Comparative Public Law and International Law in 2008. The conference was entitled 'International Law in a Heterogeneous World', reflecting an idea which is central to the ESIL philosophy. Heterogeneity is considered one of the pillars upon which Europe's contribution to international law is built and the subject was considered in a

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number of panels, including such diverse topics as migration, the history of international law, the rules on warfare and international environmental law.

Human rights have traditionally been framed in a vertical perspective with the duties of States confined to their own citizens or residents.

Interpretations of international human rights treaties tend either to ignore or downplay obligations beyond this 'territorial space'. This edited volume challenges the territorial bias of mainstream human rights law. It argues that with increased globalisation and the impact of international corporations, organisations and non-State actors, human rights law will become less relevant if it fails to adapt to changing realities in which States are no longer

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the only leading actor. Bringing together leading scholars in the field, the book explores potential applications of international human rights law in a multi-duty bearer setting. The first part of the book examines the current state of the human rights obligations of foreign States, corporations and international financial institutions, looking in particular at the ways in which they address questions of attribution and distribution of obligations and responsibility. The second part is geared towards the identification of common principles that may underpin a human rights legal regime that incorporates obligations of foreign States as well as of non-State actors. As a marker of important progress in understanding what lies ahead for integrating foreign States and non-

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State actors in the human rights dutybearer regime, this book will be of great interest to scholars and practitioners of international human rights law, public international law and international relations.

The adoption of the United Nations Guiding Principles on Business and Human Rights in 2011 marked a watershed moment, establishing the first global standards for preventing human rights abuses by business. In light of this paradigm shift, *The Business and Human Rights Landscape* offers the most comprehensive analysis to date of the current legal framework. It includes in-depth explorations of the UN Guiding Principles from both theoretical and practical standpoints, with case studies ranging from the Rana Plaza building collapse to Kenyan resource

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extraction. Bookending current analyses are historical accounts (discussing the colonial slave trade) and forward-looking perspectives (analyzing labor's role). Bringing together top scholars from across the globe, *The Business and Human Rights Landscape* represents essential reading for anyone interested in the past, present, or future of business and human rights.

The book considers the changes which national sovereignty has undergone through the supranational European integration. In various contributions by renowned academics and high judges demonstrate the serious impacts of supranationality on the EU member states and even on third countries which are connected with the EU by international treaties. It becomes clear that primacy of EU law,

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the most significant expression of supra-nationality, collides with national sovereignty as anchored in the national constitutions. The studies clearly show that most member states do not fully deny EU law primacy but are aware of the need to find an adequate balance between the supranational and the national orders. The result from the analyses of the authors from various European countries is that the upcoming constitutional paradigm is “constitutional identity”, a concept established by jurisprudence in Germany, France, Czech Republic (without being named so) and debated also in Poland which, herself, denies supranational impact on the national Constitution entirely. Studies on selected EU member states clarify the specific national approaches towards

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the limitations of their sovereignty as developed by the constitutional jurisprudence (Poland, Czech Republic, Hungary, Romania, Italy, Germany with comparative references to United Kingdom and France). It is illuminated that traditionally strong sovereignty concepts (UK, France) are considerably relativized and functionally opened towards the integration challenges. Basic issues are furthermore reflected, such as the supranational impact on the State's power to reform its Constitution, the relation of national and constitutional identity and the national and supranational perspectives of identity. The book also includes Europe beyond the EU by research on the supranational character of association treaties (from a Ukrainian perspective) and on the Europeanization of a third

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country preparing EU membership (Albania).

This volume identifies a coherent legal principle in order to establish a novel duty of care for corporate human rights violations and environmental damages. It examines whether tort and civil law offer better accountability and remedies for victims of corporate human rights abuses, and carries out an in-depth and critical analysis of the concept of corporate accountability. Moreover, a fundamental part of this book is devoted to examining the extent to which international criminal law influences international human rights law in its use of tort law and civil law remedies. Finally, the book sets out a theoretical mechanism for duty of care, as well as a proposal for the establishment of a 'Hybrid International Transnational



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Corporation Court' that would have the potential to effectively interpret the concept of the corporate duty of care under tort law.

International Territorial Administration,  
Transitional Authority and Foreign  
Occupation in Theory and Practice  
Klaus Vogel on Double Taxation  
Conventions

Human Rights Law and Business  
Protection of Minorities

The Settlement of International  
Cultural Heritage Disputes

Building Blocks for a Plural and  
Diverse Duty-Bearer Regime

The Roots of International Law / Les  
fondements du droit international

The Law and Practice of the United  
Nations examines the law of the  
United Nations through an analysis  
of the Organization's practice from

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its inception until the present.

The book examines the international treaty regimes and the Indian laws in depth. It also looks into the landmark cases, decided by both, the domestic courts in India and the international tribunals. The book would give an understanding between the concepts of extradition in relation to terrorism-related cases. It would provide an in-depth understanding of the inter-relatedness of the various branches of International law and the municipal laws as well.

More and more, the descendants of indigenous victims of genocide, land expropriation, forced labor, and other systematic human rights violations committed by colonial

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powers are seeking reparations under international law from the modern successor governments and corporations. As the number of colonial reparations cases increases, courts around the world are being asked to apply international law to determine whether reparations are due for atrocities and crimes that might have been committed long ago but whose lasting effects are alleged to injure the modern descendants of the victims. Sarkin analyzes the thorny issues of international law raised in such suits by focusing on groundbreaking cases in which he is involved as legal advisor to the paramount chief of the Herero people of Namibia. In 2001, the Herero became the first ethnic group

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to seek reparations under the legal definition of genocide by bringing multi-billion-dollar suits against Germany and German companies in a number of U.S. federal courts under the Alien Torts Claim Act of 1789. The Herero genocide, conducted in German South-West Africa (present-day Namibia) between 1904 and 1908, is recognized by the UN as the first organized state genocide in world history. Although the Herero were subjected to Germany's First Genocide, they have, unlike the victims of the Holocaust, received no reparations from Germany. By machine-gun massacres, starvation, poisoning, and forced labor in Germany's first concentration camps, the German

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Schutztruppe systematically exterminated as many as 105,000 Herero women, and children, composing most of the Herero population. Sarkin considers whether these historical events constitute legally defined genocide, crimes against humanity, and other international crimes. He evaluates the legal status of indigenous polities in Africa at the time and he explores the enduring impact in Namibia of the Germany's colonial campaign of genocide. He extrapolates the Herero case to global issues of reparations, apologies, and historical human rights violations, especially in Africa. Poor public resource management and the global financial crisis curbing fundamental fiscal space,

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millions thrown into poverty, and authoritarian regimes running successful criminal campaigns with the help of financial assistance are all phenomena that raise fundamental questions around finance and human rights. They also highlight the urgent need for more systematic and robust legal and economic thinking about sovereign finance and human rights. This edited collection aims to contribute to filling this gap by introducing novel legal theories and analyses of the links between sovereign debt and human rights from a variety of perspectives. These chapters include studies of financial complicity, UN sanctions, ethics, transitional justice, criminal law, insolvency proceedings, millennium

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development goals, global financial architecture, corporations, extraterritoriality, state of necessity, sovereign wealth and hedge funds, project financing, state responsibility, international financial institutions, the right to development, UN initiatives, litigation, as well as case studies from Africa, Asia and Latin America. These chapters are then theorised by the editors in an introductory chapter. In July 2012 the UN Human Rights Council finally issued its own guidelines on foreign debt and human rights, yet much remains to be done to promote better understanding of the legal and economic implications of the interface between finance and

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human rights. This book will contribute to that understanding as well as help practitioners in their everyday work. The authors include world-renowned lawyers and economists, experienced practitioners and officials from international organisations.

Addresses the military's pursuit of 'usable' weaponry that is deliberately crafted to be less powerful, less deadly, and less destructive than the systems it is designed to supplement or replace. Drones, Targeted Killing, and the Transformation of Contemporary Warfare

Evolving Dynamics in International and European Law

The Law of Armed Conflict and the



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Use of Force

Justice for Victims

The Max Planck Encyclopedia of  
Public International Law

The Law and Practice of the United  
Nations

Preventive Force

Netherlands Yearbook of  
International Law

2019 Yearbooks in

International Law: History,  
Function and Future Springer

Nature

Klaus Vogel on Double

Taxation Conventions is  
regarded as the

international gold standard  
on the law of tax treaties.

This article-by-article  
commentary has been

completely revised and

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updated to give you a full and current account of double tax conventions (DTCs). DTCs form the backbone of international taxation, but they raise many interpretational questions. This market leading work will provide you with the answers. Based on the OECD/G20 Multilateral Instrument, the OECD MC and Commentary published in 2017 and the most recent amendments to the UN MC, the book also includes relevant case law and scholarly literature upto and including 2020. Previous editions of the Vogel have been routinely relied on by courts around the world

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including Australia, Canada, Germany, India, South Africa, the Netherlands and United Kingdom. What's new in this edition? There have been many important developments in this area since the last edition in 2015. The authors discuss these developments and the effect they will have upon practitioners working in this area. They also provide a wealth of new and revised case law, along with the DTCs of emerging countries. You'll find: Reports about major features in the DTC practice of many leading jurisdictions, such as: the DTC practice of Austria, Canada, France, Germany,

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India, the Netherlands,  
Switzerland, the UK and the  
US Sections on divergent  
country practice covering  
their national models and  
networks of bilateral DTCs  
Thorough analysis of the  
OECD and UN model, as well  
as the implementation of  
these models in practice  
Amendments of bilateral  
DTCs, textual or in  
substance, on the basis of  
the 2017 Anti-BEPS  
Multilateral Instrument  
Coverage of a full range of  
the latest tax treaties  
around the world, including  
important treaties between  
OECD and BRICS countries  
This new Fifth Edition of  
Klaus Vogel on Double

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Taxation Conventions continues to reflect the unchallenged role of the OECD. The OECD MC, accompanied by the official Commentary, guidelines, reports and other recommendations, has sustained its position as the most important legal instrument in the area of DTCs. On occasion, the UN MC and Commentary diverge from the OECD texts. When this happens, the authors deal with the specifics of the UN MC in separate annotations and analyses, explaining and making sure you understand the differences. How this will help you: All the information you need to

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confidently advise on issues such as the taxation of income, taxation of capital and the elimination of double taxation Know that your advice to clients is based on the most up-to-date and respected information available, from an outstanding team of editors and authors The editors, Professors Ekkehart Reimer and Alexander Rust, have worked with the late Professor Vogel as well as an international team of top experts to completely update and enhance the content. The writing team comprises:  
Editors: Prof. Dr Ekkehart Reimer, Heidelberg University and Prof. Dr

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Copenhagen and University of  
Aarhus; Kamilla Zembala,  
Heidelberg University  
In Historical Title, Self-  
Determination and the  
Kashmir Question, Lone  
offers a fresh framework,



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while recognising signs of spreading terrorism in the region, to understand the rights of the Kashmiri people and how they could be addressed by the international community. The role and position of non-state actors in international law is the subject of a long-standing and intensive scholarly debate. This book explores the participation of this new category of actors in an international legal system that has historically been dominated by states. It explores the most important issues, actors and theoretical approaches with respect to these new

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participants in international law. It provides the reader with a comprehensive and state-of-the-art overview of the most important legal and political developments and perspectives. Relevant non-state actors discussed in this volume include, in particular, international governmental organisations, international non-governmental organisations, multinational companies, investors and armed opposition groups. Their legal position is considered in relation to specific issue-areas, such as humanitarian law, human rights, the use of force and

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international responsibility. The main legal theories on non-state actors' position in international law - neo-positivism, the policy-oriented approach and transnational law - are covered at the beginning of the book, and the essential political science perspectives - on non-state actors' role in international politics and globalisation, as well as their soft power - are presented at the end. This volume brings together articles on the law of armed conflict and the use of force from the Max Planck Encyclopedia of Public

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International Law, the definitive reference work on international law. It provides an invaluable resources for scholars, students, and practitioners of international humanitarian law, giving an accessible, thorough overview of all aspects of the field. Each article contains cross-references to related articles, and includes a carefully selected bibliography of the most important writings and primary materials as a guide to further reading. The Encyclopedia can be used by a wide range of readers. Experienced scholars and practitioners will find a

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wealth of information on areas that they do not already know well as well as in-depth treatments on every aspect of their specialist topics. Articles can also be set as readings for students on taught courses.

Yearbooks in International Law: History, Function and Future

Normative and Empirical Approaches

Liber Amicorum Peter Haggemacher

From the Cold War to the War on Terror

The Kampala Convention

Business and Human Rights

Regimes, Norms and Issues in South Asia

*The past forty years have seen a*

*wide proliferation of disputes under international law concerning cultural heritage. These have included the restitution of stolen art objects or the protection of monuments. Unlike other fields of international law, international cultural heritage law does not have an ad hoc mechanism of dispute settlement. As a result, controversies are to be settled through negotiation or, if it fails, through existing dispute resolution means. This can result in similar cases being settled in different ways, thereby bringing about an incoherent and fragmentary enforcement of the law. This book offers a comprehensive and innovative analysis of the*

*settlement of cultural heritage disputes. This examination is two-fold. First, it assesses the existing legal framework and the available dispute settlement means. Second, it explores the feasibility of two solutions for overcoming the lack of a specialized forum. The first is the establishment of a new international court. The second concerns existing judicial and extra-judicial fora and their interaction through the practice of 'cross-fertilization'. The book focuses on the substance of such interaction, and identifies a number of culturally-sensitive parameters (the 'common rules of adjudication'). It argues that existing judicial and non-judicial*

*fora should adopt a cross-fertilizing perspective to use and disseminate jurisprudence containing these common rules of adjudication. It sets out how such an approach would enhance the effectiveness and coherence of decision-making processes and would be conducive to the development of a lex culturalis. This can be defined as a composite body of rules designed to protect cultural heritage by excluding the mechanical application of the norms established for standard business transactions of ordinary goods. Drawing on the context in which the administration of territory by international actors has resurfaced,*



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*and on the legal framework applicable to post-conflict administrations and peace-building operations, this book analyses the practice of the reconstruction processes in Kosovo, East Timor, Afghanistan and Iraq.*

*Emergence of the modern science of international law is usually attributed to Grotius and other somewhat heroic 'founders of international law.' This book offers a more worldly explanation why it was developed mostly by German writers in the seventeenth and eighteenth centuries.*

*About the publication "Whether International Law is really law is one of those vexed questions that*

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*still linger. Prof. Mwenda's three-pillar approach to looking at International Law is an exceedingly useful conceptual framework which is, at the same time, emblematic of the malleable nature of the discipline. The analysis demonstrates when States pay attention to international law, why they feel compelled to do so, when they choose not to, and why all that matters. This is an extremely timely and accessible book which should be useful to the legal academy and to practitioners.*” –DR VICTOR B. MOSOTI Chief Counsel for Environmental and International Law, Legal Vice-Presidency, The World Bank “Prof. Mwenda's book,

*‘Contemporary Issues in International Law’, is a must-read masterpiece on international law for practitioners, academics and students of public international law. It is a thought-provoking book that touches on contemporary issues confronting international law at a time when multilateralism...is under serious threat. It touches on issues that need to be discussed and addressed in order to be able to deal with the emerging challenges of rising nationalism among leading nations of the world.’ –BRIAN CHIGAWA, ESQ Director of Legal and Corporate Affairs, Common Market for Eastern and Southern Africa (COMESA)*

*This volume of the Netherlands Yearbook of International Law (NYIL) is the fiftieth in the Series, which means that the NYIL has now been with us for half a century. The editors decided not to let this moment go by unnoticed, but to devote this year's edition to an analysis of the phenomenon of yearbooks in international law. Once the decision was made that this would be the subject of this year's NYIL, the editors asked themselves a number of questions. For instance: Not many academic disciplines have yearbooks, so what is the reason we do? What is the added value of having a yearbook alongside the abundance of*

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*international law journals, regular monographs and edited volumes that are published on a yearly basis?*

*Does the existence of yearbooks tell us something about who we are, or who we think we are, or what we have to contribute to the world?*

*These questions will be addressed both in a general and in a specific sense, whereby a number of yearbooks published all over the world will be looked at in further detail. The Netherlands Yearbook of International Law was first published in 1970. It offers a forum for the publication of scholarly articles in a varying thematic area of public international law.*

*Reparations for Victims of Armed*

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*Conflict*

*The U.S. Military's Quest for  
Useable Weapons*

*The Obligations of the European  
Home States*

*Stretching and Exploiting*

*Thresholds for High-Order War*

*The Business and Human Rights  
Landscape*

*Vattel's International Law from a  
XXIst Century Perspective / Le*

*Droit International de Vattel vu du  
XXIe Siècle*

*Political Bias in International Law*

*Discourse of Seven German Court  
Councilors in the Seventeenth and  
Eighteenth Centuries*

Examines the recent rise in the United  
States' use of preventive force More

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so than in the past, the US is now embracing the logic of preventive force: using military force to counter potential threats around the globe before they have fully materialized. While popular with individuals who seek to avoid too many “boots on the ground,” preventive force is controversial because of its potential for unnecessary collateral damage. Who decides what threats are ‘imminent’? Is there an international legal basis to kill or harm individuals who have a connection to that threat? Do the benefits of preventive force justify the costs? And, perhaps most importantly, is the US setting a dangerous international precedent? In *Preventive Force*, editors Kerstin Fisk and Jennifer Ramos bring together legal scholars, political scientists, international relations scholars, and

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prominent defense specialists to examine these questions, whether in the context of full-scale preventive war or preventive drone strikes. In particular, the volume highlights preventive drones strikes, as they mark a complete transformation of how the US understands international norms regarding the use of force, and could potentially lead to a 'slippery slope' for the US and other nations in terms of engaging in preventive warfare as a matter of course. A comprehensive resource that speaks to the contours of preventive force as a security strategy as well as to the practical, legal, and ethical considerations of its implementation, Preventive Force is a useful guide for political scientists, international relations scholars, and policymakers who seek a thorough and current



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overview of this essential topic. 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

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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. We live in a world that not only sets standards for, but also professes its commitment to promoting and protecting 'rights'. Since ours is an age of heightened public interest in auditing the actual realisation of such standards and commitment, the first major focus of this book is a critical

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account of international standards aimed at the protection of minorities. To that end, it concentrates on four key dimensions. Firstly, it addresses the issue of the identification of minorities as understood by international law. Secondly, it outlines a brief history on the development of international law towards improving the protection of minorities. Thirdly, it gives an overview of international instruments and mechanisms on minorities. Finally, it analyses the rights of minorities under international standards. All these dimensions point to the fact that international minority rights lag behind the development of other branches of rights. The second major focus of this book is to relate international standards on minority protection to South Asian regimes. Concentrating on India, Pakistan,

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Bangladesh, Nepal, Sri Lanka, Bhutan, the Maldives, and Afghanistan, an endeavor is made to examine the state of minorities and their protection under the domestic regimes. It emerges that the normative commitments of these states are more or less compatible with international standards.

Nevertheless, majority-minority syndrome persistently remains as one of the causes behind multidimensional deprivation and victimization of South Asian minorities. The present book also assesses the extent to which regional cooperation in South Asia has so far contributed to extending protection to minorities. This ends with an argument that SAARC (South Asian Association for Regional Cooperation) has the potential to play a far greater role in this regard.

Legal Sources in Business and Human

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Rights takes stock of different aspects of Business and Human Rights practice in order to identify and explore some dynamics that are driving the evolution of the legal sources of international and EU law in the field of B&HRs.

Justice for Victims brings together the world's leading scholars in the fields of study surrounding victimization in a pioneering international collection.

This book focuses on the current study of victims of crime, combining both legal and social-scientific perspectives, articulating both in new directions and questioning whether victims really do have more rights in our modern world.

This book offers an interdisciplinary approach, covering large-scale (political) victimization, terrorist victimization, sexual victimization and routine victimization. Split into three

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sections, this book provides in-depth coverage of: victims' rights, transitional justice and victims' perspectives, and trauma, resilience and justice. Victims' rights are conceptualised in the human rights framework and discussed in relation to supranational, international and regional policies. The transitional justice section covers victims of war from those caught between peace and justice, as well as post-conflict justice. The final section focuses on post-traumatic stress, connecting psychological and anthropological perceptions in analysing collective violence, mass victimization and trauma. This book addresses challenging and new issues in the field of victimology and the study of transitional and restorative justice. As such, it will be of interest to researchers, practitioners and

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students interested in the fields of  
victimology, transitional justice,  
restorative justice and trauma work.

Limitations of National Sovereignty  
through European Integration

The Hague Conferences and  
International Politics, 1898-1915

Fifth Revised Edition

Post-conflict Administrations in  
International Law

Perspectives on rights, transition and  
reconciliation

Moving Forward, Looking Back

Death by Moderation

Three experts address reparation  
for victims of armed conflict,  
drawing on international law  
practice, human rights courts, and  
domestic law.

This second volume examines laws  
relating to the civil liabilities of

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corporations and states in connection with torts or other breaches of international law and human rights law. It illustrates how particular legal principles or rules can be applied or developed to promote corporate accountability, with legal duties that arise under tort law or statutory law.

Businesses operate within particular legal regulatory regimes and also within the framework of obligations imposed in tort law.

Such laws aim to shape or constrain behaviour for the protection of others in society.

There are also environmental protection laws which aim to prevent the release of noxious or hazardous substances, and



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occupational health and safety laws for the protection of employees.

The law of negligence in tort imposes general obligations on persons to take reasonable care to prevent harm to others in circumstances where there is a duty of care. Companies, as legal persons, are required to comply with such legal obligations. The book looks at the role of courts in upholding human rights obligations and providing a forum to resolve corporate human rights abuses issues. If the state does not regulate a specific issue of corporate human rights violations, then the court will address any lacuna in the domestic law by having recourse to (I) rules of

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international law; (II) general principles of international human rights law; (III) general principles of human rights law common to the major legal systems of the world; (IV) general principles of law that is in agreement with the fundamental requirements of rule of law, and the protection of human dignity and justice; and (V) the general principle of a duty of care (tort of negligence). The book will help lawyers, scholars, and students to see how corporate human rights violations can involve multiple legal principles.

Beginning with the extraordinary rescript by Tsar Nicholas II in August 1898 calling the world's governments to a disarmament

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conference, this book charts the history of the two Hague peace conferences of 1899 and 1907 – and the third conference of 1915 that was never held – using diplomatic correspondence, newspaper reports, contemporary publications and the papers of internationalist organizations and peace activists. Focusing on the international media frenzy that developed around them, Maartje Abbenhuis provides a new angle on the conferences. Highlighting the conventions that they brought about, she demonstrates how The Hague set the tone for international politics in the years leading up to the First World War, permeating media reports and shaping the

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views and activities of key organizations such as the inter-parliamentary union, the international council of women and the Institut de droit international (Institute of International Law). Based on extensive archival research in the Netherlands, Great Britain, Switzerland and the United States alongside contemporary publications in a range of languages, this book considers the history of the Hague conferences in a new way, and presents a powerful case for the importance of The Hague conferences in shaping twentieth century international politics.

The demise and rebirth of states brings with it a set of very

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complicated legal issues, among which is the question of how to deal with that state's cultural heritage, whether within its boundaries or not. Through a historical analysis of state dissolution and succession and its impact on cultural heritage from 1815 to present day, the work will identify guiding principles to facilitate the conclusion of agreements on the status of cultural property following the succession of states. Studying primary materials and evidence of state practice that has not been available before, the work will propose a novel approach to state succession from the perspective of the emerging interest of the international community to safeguard cultural heritage. State

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succession is one of the most obscure areas of international law since its rules are characterized either by their absence or their inconsistency. This book explores to what extent the principles and practice of state succession correspond to the evolution of the concept of cultural heritage in international law. It provides an extensive analysis of the alternations of the international practice and legal doctrine of state succession to tangible cultural heritage since the formation of the European nation-states in the nineteenth century - through the experience of decolonization to the post-Cold War dissolution of multinational states. The book has

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been awarded Prize of the Professor Manfred Lachs Foundation and Kozminski University in Warsaw for the best monograph in public international law published by a Polish author in 2015, in the category of debuts. On 24 November 2016, the book State Succession in Cultural Property by Andrzej Jakubowski was awarded the Prize of the Professor Manfred Lachs Foundation and Kozminski University in Warsaw for the best monograph in public international law published by a Polish author in 2015, in the category of debuts. The high civilian death toll in modern, protracted conflicts such as those in Syria or Iraq indicate the limits of international law in

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offering protections to civilians at risk. A recent conference of states convened by the International Committee of the Red Cross referred to 'an institutional vacuum in the area of international humanitarian law implementation'. Yet both international humanitarian law and the law of human rights establish a series of rights intended to protect civilians. But which law or laws apply in a particular situation, and what are the obstacles to their implementation? How can the law offer greater protections to civilians caught up in new methods of warfare, such as drone strikes, or targeted by new forms of military organisation, such as transnational armed groups? Can the



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implementation gap be filled by the growing use of human rights courts to remedy violations of the laws of armed conflict, or are new instruments or mechanisms of civilian legal protection needed? This volume brings together contributions from leading academic authorities and legal practitioners on the situation of civilians in the grey zone between human rights and the laws of war. The chapters in Part 1 address key contested or boundary issues in defining the rights of civilians or non-combatants in today's conflicts. Those in Part 2 examine remedies and current mechanisms for redress both at the international and national level, and those in Part

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3 assess prospects for the development of new mechanisms for addressing violations. As military intervention to protect civilians remains contested, this volume looks at the potential for developing alternative approaches to the protection of civilians and their rights.

Focusing on Global Terrorism  
Non-State Actors in International  
Law

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in the Fight Against Corruption  
Counterterrorism: From the Cold  
War to the War on Terror [2  
volumes]

Corporate Responsibility for  
Fundamental Human Rights  
Development-induced  
Displacement and Human Rights in  
Africa

*This is the first volume of proceedings arising from the biennial conference of the European Society of International Law/Societe europeene de droit international, edited by Emmanuelle Jouannet, Hélène Ruiz Fabri and Vincent Tomkiewicz. The volume presents the highlights of the Paris Conference 2006, and the papers are evenly divided between*

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*English and French language contributions. It is envisaged that this will be the first volume of a series, with future volumes following on from each major ESIL/SEDI event. Russia, China, and Iran use measures short of war to exploit and stretch U.S. thresholds for war to further their strategic ends. This report describes those measures, how nation-states use them, and why U.S. notions of thresholds might be outdated. This collection of essays gathers contributions from leading international lawyers from different countries, generations and angles with the aim of highlighting the multifaceted history of international law.*

*Over recent decades, globalization has stirred up a number of positive and negative developments in national and international environments. An important feature of globalization is the rise of the economic, social, cultural and political power of corporations. While corporate activities may positively contribute to the livelihoods of individuals, communities, and societies, a number of allegations have been made that corporations have been involved in systematically violating human rights. In contrast, only a limited number of claims have been successfully brought against corporations or their directors and employees. As there is an urgent need for practical and*

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*victim-oriented solutions in the modern world in the area of human rights and business, this study argues that corporations have normative obligations in relation to fundamental human rights, around which there possibly appears to exist a value consensus across different cultures and societies around the world. However, the cacophony of international documents - so far agreed - currently regulate the conduct of corporations in international law only indirectly. This study therefore argues that the normative thrust of corporate human rights obligations derives primarily from national legal orders and only secondarily from the international*

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*level, whereas both draw their foundations from an international value system. Moreover, corporate human rights obligations may also derive from corporate unilateral commitments. The study argues that corporations should be held accountable for violations of human rights law. Human Rights Law and Business proposes a normative framework of corporate obligations to respect, protect, and fulfill fundamental human rights. It employs a holistic approach to corporate responsibility, which identifies a three-fold responsibility for rights violations: corporate, individual, and state responsibility. It argues for concurrence between*

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*corporate, individual, and state responsibility where possible. Such an approach also maintains a victim-oriented perspective. Equally important to identifying corporate obligations is the question of how one can respond to corporate human rights violations. As international mechanisms are often ineffective and sometimes inexistent, the provision of effective remedies for victims of corporate human rights violations rests within national normative frameworks. The investigation of the current frameworks exposes the stark reality of a need for more clarity with respect to the obligations and responsibilities of corporations.*

*Human Rights Law and Business*



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*therefore makes recommendations on how to improve the normative framework for corporate responsibility for fundamental human rights. ã?Â?*

*In the 21st century, one of the most noteworthy changes in the human rights debate relates to the increased recognition of the link between business and human rights. This book is an attempt to explore this relationship and also to look into the obligations of the state and transnational corporations in the promotion of human rights. Business and Human Rights discusses how globalization has affected individuals in the enjoyment of their human rights in relation to the activities of*

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*corporations. The book addresses what additional steps the states should take to protect against human rights abuses by business enterprises that are owned or controlled by the state.*

*Moreover, it covers, in depth, the role and contribution of the United Nations in business and human rights.*

*The book includes several real-life case studies to help the readers understand the topics discussed.*

*Historical Title, Self-Determination and the Kashmir Question*

*Human Rights Encounter Legal Pluralism*

*Extradition Laws in the International and Indian Regime*

*Challenging Territoriality in Human Rights Law*

*Civilian Protection Between Human  
Rights and the Laws of War*

*Theory and Politics of the Law of  
Nations*

*State Succession in Cultural Property*

**This two-volume set examines modern nation-state legislative, diplomatic, military, and non-military attempts to combat terrorism within and outside state borders. The articles which comprise this comprehensive reference work address counterterrorism efforts employed by the international community prior to and following the events of September 11, 2001.**

**• An evaluation of the evolution and effectiveness of select nation-**

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Immunity in the Fight against  
Corruption** by Kenneth K  
Mwenda 2011 ISBN:  
978-0-9869857-9-9 Pages: 212 Print  
version: Available Electronic  
version: Free PDF available.  
**This collection of essays  
interrogates how human rights**

**law and practice acquire meaning in relation to legal pluralism, ie, the co-existence of more than one regulatory order in a same social field. As a social phenomenon, legal pluralism exists in all societies. As a legal construction, it is characteristic of particular regions, such as post-colonial contexts. Drawing on experiences from Latin America, Sub-Saharan Africa and Europe, the contributions in this volume analyse how different configurations of legal pluralism interplay with the legal and the social life of human rights. At the same time, they enquire into how human rights law and practice**

**influence interactions that are subject to regulation by more than one normative regime.**

**Aware of numerous misunderstandings and of the mutual suspicion that tends to exist between human rights scholars and anthropologists, the volume includes contributions from experts in both disciplines and intends to build bridges between normative and empirical theory.**

**The recent rise of international trade courts and tribunals deserves systemic study and in-depth analysis. This volume gathers contributions from experts specialised in different**

**regional adjudicators of trade disputes and scrutinises their operations in the light of the often-debated legitimacy issues. It not only looks into prominent adjudicators that have played a significant role for global and regional integration; it also encloses the newly established and/or less-known judicial actors. Critical topics covered range from procedures and legal techniques during the adjudication process to the pre- and post-adjudication matters in relation to forum selection and decision implementation. The volume features cross-cutting interdisciplinary discussions**

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**among academics and practitioners, lawyers, philosophers and political scientists. In addition to fulfilling the research vacuum, it aims to address the challenges and opportunities faced in international trade adjudication. No other scholar has so deeply influenced the development of international law or shaped the doctrinal debates as Vattel. More than 250 years after its publication, his Law of Nations has remained the most frequently quoted treatise of international law. This volume explores the reasons behind the extraordinary authority of Vattel and analyses**



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**its continuing relevance for  
thinking and understanding  
contemporary international law.**

**Accountability and Corporate  
Human Rights Violations in Tort  
and International Law**

**Remedy for Human Rights**

**Abuses under Tort and  
International Law**

**Legal Sources in Business and  
Human Rights**

**How Russia, China, and Iran Are  
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### **The Grey Zone**

This book analyses the accountability of European home States for their failure to secure the human rights of victims from host States against transnational enterprises. It argues for a reconfiguration of the relationship between multinational enterprises and individuals, both of which have been profoundly changed by globalisation. Enterprises are now supranational entities with numerous affiliates all over the world. Likewise, individuals are increasingly part of a global community.

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Despite this, the relationship between the two is deregulated. Addressing this gap, this study proposes an innovative business and human rights litigation strategy. Human rights advocates could file a test case against a European home State, at the European Court of Human Rights, for its failure to secure the rights of victims vis-à-vis European multinational enterprises. The book illustrates why such a strategy is needed, and points to the lack of effective legal remedies against European multinationals. The goal is to empower victims from

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developing countries against  
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failing to hold  
multinational enterprises  
accountable for human rights  
abuses.

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