

NETHERLANDS YEAR BOOK
OF INTERNATIONAL LAW

2003

Netherlands Yearbook Of International Law 2003

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Netherlands Yearbook of International Law - 2003 Niels M. Blokker, N. J. Schrijver, 2011-01-07 Two major factors brought about the establishment of the Netherlands Yearbook of International Law in 1970 demand for the publication of national practice in international law and the desirability for legal practitioners state representatives and international lawyers to have access to the growing amount of available data in the form of articles notes etc The Documentation section contains an extensive review of Dutch state practice from the parliamentary year prior to publication an account of developments relating to treaties and other international agreements to which the Netherlands is a party summaries of Netherlands judicial decisions involving questions of public international law many not published elsewhere lists of Dutch publications in the field and extracts from relevant municipal legislation Although the NYIL has a distinctive national character it is published in English and the editors do not adhere to any geographical limitations when deciding upon the inclusion of articles

Netherlands Yearbook of International Law 2011 I.F. Dekker, E. Hey, 2012-06-26 The Netherlands Yearbook of International Law was first published in 1970 It has two main aims It offers a forum for the publication of scholarly articles of a more general nature in the area of public international law including the law of the European Union In addition it aims to respond to the demand for information on state practice in the field of international law Each Yearbook therefore includes documentation on Netherlands International Law practice *Netherlands Yearbook of International Law - 2002* Niels M. Blokker, Nico J. Schrijver, L. A. M. N. Barnhoorn, Marcel M. T. A. Brus, Deidre M. Curtin, Ige F. Dekker, P. Andre Nollkaemper, 2011-01-07 This volume contains an extensive review of Dutch state practice from the parliamentary year 2000 2001 It includes an account of developments relating to treaties and other international agreements to which the Netherlands is a party summaries of Netherlands judicial decisions involving questions of public international law lists of Dutch publications in the field and extracts from relevant municipal legislation Although the NYIL has a distinctive national character it is published in English and the editors do not adhere to any geographical limitations when deciding upon the inclusion of articles **Netherlands Yearbook of International Law 2021** Daniëlla Dam-de Jong, Fabian

Antenbrink, 2023-04-27 This book engages with international legal responses to the global environmental crisis Humanity faces a triple planetary crisis consisting of the interlinked problems of climate change depletion of biological diversity and pollution The chapters in this volume of the Netherlands Yearbook of International Law address important questions of how and to what extent these environmental concerns have been integrated into international law who or what drives these developments and what all of this tells us about international law s ability to tackle the challenges that a deteriorating environment brings for the future of life on Earth The strength of the volume is that it brings together a wide range of perspectives on the greening phenomenon in international law It includes perspectives from international environmental law human rights law investment law financial law humanitarian law and criminal law Moreover it raises important questions

regarding the validity of the predominant approach in international law to the protection of nature By providing such a wide range of perspectives on international legal responses or lack thereof to the environmental crisis the volume seeks to engage scholars and practitioners from a variety of disciplines It invites readers to compare the state of the art across disciplines and to reflect on ways to strengthen international law's responses to the environmental crisis Furthermore as has become standard for the Netherlands Yearbook of International Law the second part consists of a section on Dutch practice in international law 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 Chapter 3 is available open access under a Creative Commons Attribution 4.0 International License via link [springer.com](https://www.springer.com) Netherlands Yearbook of International Law Volume 41, 2010 I.F. Dekker, E. Hey, 2011-04-21 The Netherlands Yearbook of International Law was first published in 1970 It has two main aims It offers a forum for the publication of scholarly articles of a more general nature in the area of public international law including the law of the European Union In addition it aims to respond to the demand for information on state practice in the field of international law Each Yearbook therefore includes an overview of state practice of the Netherlands *Netherlands Yearbook of International Law 2018* Janne E. Nijman, Wouter G. Werner, 2019-10-17 This volume of the Netherlands Yearbook of International Law explores the many faces of populism and the different manifestations of the relationship between populism and international law Rather than taking the so called populist backlash against globalisation international law and governance at face value this volume aims to dig deeper and wonders What backlash are we talking about really While populism is contextual and contingent on the society in which it arises and its relationship with international law and institutions thus has differed likewise this volume assists in our examination of what we find so dangerous about populism and problematic in its relationship with international law 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 div Ius Publicum Europaeum Armin von Bogdandy, Peter Michael Huber, 2017-08-10 Die bisher erschienenen Bände der Edition Ius Publicum Europaeum behandeln das Verfassungsrecht nebst Verfassungsprozessrecht und das Verwaltungsrecht im Lichte des gemeinsamen europäischen Rechtsraums Dargestellt werden die Grundstrukturen der nationalen Verfassungen und deren Wissenschaft in repräsentativ ausgewählten Mitgliedstaaten der Europäischen Union darunter die Gründerstaaten Deutschland Frankreich und Italien Die Idee dieses Handbuchs ist es die unter dem Einfluss des europäischen Rechts stehenden nationalen Rechtsordnungen einer rechtsvergleichenden Analyse zu unterziehen und dabei Gemeinsamkeiten und Unterschiede aufzuzeigen Ausgangspunkt ist jeweils das nationale Recht Die einzelnen Länderberichte sind nach einheitlichen Kriterien erstellt und erläutern die jeweiligen nationalen Grundlagen so dass die Rechtsordnungen der einzelnen Staaten sehr gut miteinander vergleichbar sind Führende Staats und Verwaltungsrechtler aus ganz Europa wirken als Autoren an dieser Edition mit Inhalt Band I

Grundlagen und Grundz ge staatlichen Verfassungsrechts Band II Offene Staatlichkeit Wissenschaft vom Verfassungsrecht
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das Verfassungsrecht nebst Verfassungsprozessrecht und das Verwaltungsrecht im Lichte des gemeinsamen europ ischen
Rechtsraums Dargestellt werden die Grundstrukturen der nationalen Verfassungen und deren Wissenschaft in repr sentativ
ausgew hlten Mitgliedstaaten der Europ ischen Union darunter die Gr nderstaaten Deutschland Frankreich und Italien Die
Idee dieses Handbuchs ist es die unter dem Einfluss des europ ischen Rechts stehenden nationalen Rechtsordnungen einer
rechtsvergleichenden Analyse zu unterziehen und dabei Gemeinsamkeiten und Unterschiede aufzuzeigen Ausgangspunkt ist
jeweils das nationale Recht Die einzelnen L nderberichte sind nach einheitlichen Kriterien erstellt und erl utern die
jeweiligen nationalen Grundlagen so dass die Rechtsordnungen der einzelnen Staaten sehr gut miteinander vergleichbar sind
F hrende Staats und Verwaltungsrechtler aus ganz Europa wirken als Autoren an dieser Edition mit In Band II wird unter
dem Stichwort Offene Staatlichkeit das nationale Europaverfassungsrecht behandelt Eine wesentliche Rolle spielen
insbesondere die ffnung der Rechtsordnungen f r das Europarecht die Anforderungen nationaler Struktursicherungsklauseln
an die Verfassung der EU und die Grenzen einer Europ isierung verfassungsrechtlicher Institutionen u a Gewaltenteilung
Demokratieprinzip B rgerrechte Gesetzgebungs und Verordnungsrecht Finanzverfassung Ein zweiter Teil untersucht die
Wissenschaft vom Verfassungsrecht in den einzelnen Staaten **Asylsuchende und Migranten auf See** Sicco
Rah, 2009-07-06 Migrationsbewegungen auf dem Seeweg stellen die von der Einwanderung betroffenen K stenstaaten und
die zur Seenotrettung verpflichtete Handelsschiffahrt vor gro e Schwierigkeiten Vor allem ist Migration ber See ein humanit
res Problem Regelm ig geraten Asylsuchende und Migranten in Seenot Eine Vielzahl von Todesf llen ist die Folge Diese
Arbeit bietet eine umfassende Untersuchung der Thematik aus v lkerrechtlicher Sicht Zum einen werden die Instrumente des
internationalen Rechts analysiert die der Kontrolle der Einwanderung und der Bek mpfung des Menschenschmuggels dienen
Zum anderen zeigt die Arbeit die Grenzen dieser Eingriffsrechte und weitergehende staatliche Verpflichtungen insbesondere
aus dem See und Fl chtlingsrecht gegen ber Migranten Asylsuchenden und Fl chtlingen auf **Constitutionalism in
Global Constitutionalisation** Aoife O'Donoghue, 2014-06-05 Aoife O Donoghue explains why normative constitutionalism
must underpin the global constitutionalisation debate if it is to realise its critical potential *Human Rights* Christian

Tomuschat,2014-09-25 This third edition of Human Rights Between Idealism and Realism presents human rights in action focusing on their effectiveness as legal tools designed to benefit human beings By combining conceptual analysis with an emphasis on procedures and mechanisms of implementation this volume provides a multidimensional overview of human rights After examining briefly the history of human rights the author analyses the intellectual framework that forms the basis of their legitimacy In particular he covers the concept of universality and the widely used model that classifies human rights into clusters of different generations In this edition the author brings together the fundamental aspects of human rights law addressing human dignity as the ethical foundation of human rights the principle of equality and non discrimination as the essence of any culture of human rights the protections against racial discrimination and discrimination against women and assesses the individual as a subject of international law The volume then moves on to assess the activities of the political institutions of the United Nations the expert bodies established by the relevant treaties and the international tribunals specifically entrusted at the regional level with protecting human rights This edition also includes specific analysis of the actions mandated by the UN Security Council against Libya in 2011 It also includes greater coverage of the jurisprudence of the Inter American Court of Human Rights and the African Commission on Human and Peoples Rights The author explains how and why the classical array of politically inspired informal devices has been enriched by the addition of international criminal procedures and by endeavours to introduce civil suits against alleged individual violators of human rights Finally the volume is rounded off by a consideration of the importance of humanitarian law as an instrument for the protection of human life and dignity and an exploration of the future of human rights

Jenseits von Gleichheit Claudia Hofmann,2019-11-26

Menschliches Zusammenleben ist geprägt durch Auseinandersetzungen um knappe Güter. Seien es materielle Ressourcen, politische Macht, soziale Anerkennung oder andere gesellschaftlich relevante Positionen. Die Frage nach ihrer gerechten Verteilung steht seit jeher im Zentrum philosophischer Diskurse, politischer Debatten und sozialer Konflikte. Welche Antworten haben im Recht ihren Niederschlag gefunden? Claudia Hofmann untersucht hierzu gleichheitsorientierte Massnahmen im internationalen europäischen und deutschen Recht. Diese Massnahmen so wird deutlich zielen einerseits primär auf Rechts- und Chancengleichheit, substantielle Gleichheit steht selten im Mittelpunkt. Andererseits generieren sie erneut Ungleichheiten. Dies wirft die Frage auf, wie man mit dieser möglicherweise nie endenden Gleichzeitigkeit von Gleichheit und Ungleichheit umgehen sollte.

The Persistent Objector Rule in International Law James A.

Green,2016-03-03 The persistent objector rule is said to provide states with an escape hatch from the otherwise universal binding force of customary international law. It provides that if a state persistently objects to a newly emerging norm of customary international law during the formation of that norm, then the objecting state is exempt from the norm once it crystallises into law. The conceptual role of the rule may be interpreted as straightforward to preserve the fundamentalist positivist notion that any norm of international law can only bind a state that has consented to be bound by it. In reality

however numerous unanswered questions exist about the way that it works in practice Through focused analysis of state practice this monograph provides a detailed understanding of how the rule emerged and operates how it should be conceptualised and what its implications are for the binding nature of customary international law It argues that the persistent objector rule ultimately has an important role to play in the mixture of consent and consensus that underpins international law Public-Private Partnerships and Responsibility under International Law Lisa Clarke, 2014-03-21

Partnerships between the public and private sectors are an increasingly accepted method to deal with pressing global issues such as those relating to health Partnerships comprised of states and international organizations public sector and companies non governmental organizations research institutes and philanthropic foundations private sector are forming to respond to pressing global health issues These partnerships are managing activities that are normally regarded to be within the domain of states and international organizations such as providing access to preventative and treatment measures for certain diseases or improving health infrastructure within certain states to better manage the growing risk of disease In the shadow of the success of these partnerships lies however the possibility of something going wrong and it is to this shadow that this book sheds light This book explores the issue of responsibility under international law in the context of global health public private partnerships The legal status of partnerships under international law is explored in order to determine whether or not partnerships have legal personality under international law resulting in them being subject to rules of responsibility under international law The possibility of holding partnerships responsible in domestic legal systems and the immunity partnerships have from the jurisdiction of domestic courts in certain states is also considered The obstacles to holding partnerships themselves responsible leads finally to an investigation into the possibility of holding states and or international organizations as partners and or hosts of partnerships responsible under international law in relation to the acts of partnerships This book will be of interest to those researching and working in areas of global governance especially hybrid public private bodies the responsibility under international law of states and international organizations and also global health It provides doctrinal clarification and practical guidance in a developing field of international law **State**

Practice Regarding State Immunities/La Pratique des Etats concernant les Immunités des Etats Council of Europe/Conseil de l'Europe, Gerhard Hafner, Marcelo Kohen, Susan Breau, 2006-06-01 This book is the result of the Council of Europe Pilot Project on State Practice Regarding State Immunities carried out under the auspices of the Committee of Legal Advisers on Public International Law CAHDI since 2002 It presents and analyses the material submitted by 27 Member States and one Observer State of the Council of Europe including decisions of national courts relevant legislation and other documents The analytical report was undertaken by the Department of European International and Comparative Law of the University of Vienna the British Institute of International and Comparative Law and the Graduate Institute of International Studies Geneva It compares State practice with the relevant articles of the UN Convention the European Convention on State

Immunity and the draft articles prepared by academic institutions It is the first in depth analysis of European State practice in the field of State immunity Such a broad analysis is essential in particular for the ascertainment of customary international law This book is addressed to officials practitioners engaged in business relations with foreign States and academics Ce livre est le r sultat du Projet Pilote du Conseil de l Europe sur la Pratique des Etats concernant les immunit s des Etats r alis sous les auspices du Comit des Conseillers Juridiques sur le Droit International Public CAHDI depuis 2002 Il pr sente et analyse la documentation fournie par 28 Etats membres et un Etat observateur du Conseil de l Europe y compris des d cisions des juridictions nationales la l gislation pertinente et d autres documents Le rapport analytique a t labor par le D partement de droit europ en international et compar de l Universit de Vienne l Institut britannique de Droit International et Compar et l Institut des Hautes Etudes Internationales Gen ve Il compare la pratique des Etats avec les articles pertinents de la Convention des Nations Unies de la Convention europ enne sur l immunit des Etats et les projets d articles pr par s par les institutions acad miques C est la premi re analyse approfondie de la pratique des Etats europ ens en mati re d immunit des Etats Une analyse aussi large est indispensable notamment en vue de l identification du droit international coutumier Ce livre s adresse aux fonctionnaires aux praticiens entretenant des relations d affaires avec des Etats trangers et aux universitaires

Evolving Principles of International Law Eva Rieter, Henri de Waele, 2012 This volume offers an overview of some emerging trends and structural patterns in the development of international law highlighting its evolution over the course of time and discussing leading principles through various different thematic lenses

Aufenthaltsrecht und Migrationssteuerung J rgen Bast, 2011 English summary J rgen Bast provides a fresh reading of current immigration law in Germany His study on the legal framework for the control of migration for employment on family grounds or for protection purposes departs from traditional patterns of police law in favour of a more modern understanding of regulating migration processes by means of law German description J rgen Bast schlagt vor das uberkommene Auslander und Asylrecht als ein modernes sozialgestaltendes Migrationsrecht zu verstehen dessen Zentrum die ordnungsrechtliche Steuerung der Zuwanderung bildet das Aufenthaltsrecht Seine Analyse nutzt rechtsgeschichtliche politikwissenschaftliche und soziologische Erkenntnisse um funf konkurrierende Perspektiven auf das Migrationsgeschehen zu identifizieren die im Recht aufeinandertreffen Auf dieser Grundlage entfaltet er die volker und verfassungsrechtliche Rahmenordnung fur deutsche und europaische Gesetzgebung und zeigt Ordnungsmuster der verwaltungsrechtlichen Steuerung der Arbeits Familien und Fluchtmigration auf Als Entscheidung von grosser Tragweite erweist sich dass das geltende Aufenthaltsgesetz allen Zuwanderern Passagen zur Einwanderung eroffnet indem es ein Daueraufenthaltsrecht in Aussicht stellt

The Interception of Vessels on the High Seas Efthymios Papastavridis, 2014-08-28 The principal aim of this book is to address the international legal questions arising from the right of visit on the high seas in the twenty first century This right is considered the most significant exception to the fundamental principle of the freedom of the high seas the freedom in

peacetime to remain free of interference by ships of another flag It is this freedom that has been challenged by a recent significant increase in interceptions to counter the threats of international terrorism and WMD proliferation or to suppress transnational organised crime at sea particularly the trafficking of narcotics and smuggling of migrants The author questions whether the principle of non interference has been so significantly curtailed as to have lost its relevance in the contemporary legal order of the oceans The book begins with an historical and theoretical examination of the framework underlying interception This historical survey informs the remainder of the work which then looks at the legal framework of the right of visit contemporary challenges to the traditional right interference on the high seas for the maintenance of international peace and security interferences to maintain the bon usage of the oceans navigation and fishing piracy j ure gentium and current counter piracy operations off the coast of Somalia the problems posed by illegal unregulated and unreported fishing interdiction operations to counter drug and people trafficking and recent interception operations in the Mediterranean Sea organised by FRONTEX

The Legal Effects of EU Agreements Mario Mendez, 2013-03-07 This is the first comprehensive analysis of the legal effects of EU agreements explored in both comparative perspective and in terms of the ramifications for the legal orders of the member states The book provides a thorough analysis of the case law in this increasingly important area of EU law valuable to academics and practitioners alike

A Farewell to Fragmentation Mads Tønnesson Andenæs, Eirik Bjorge, 2015-10-09 Exploring the role of the International Court of Justice in the re convergence of international law this book contends that the court s jurisprudence is transforming traditional concepts such as sovereignty rights and jurisdiction and in so doing is leading a trend towards the reunification of international law

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