Civil Society, International Courts and Compliance Bodies

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Civil Society International Courts And Compliance Bodies

Jan Klabbers, Anne Peters, Geir Ulfstein

Civil Society International Courts And Compliance Bodies:

Civil Society, International Courts and Compliance Bodies Tullio Treves, Alessandro Fodella, Attila Tanzi, Marco Frigessi di Rattalma, 2005 The well publicized contributions of civil society in setting items on the international agenda in developing new international treaties in exercising pressure on States in favour of or against the ratification of such treaties and in assisting the functioning of new institutions has attracted the attention of scholars who discuss the presence and the role of new actors on the international stage. The role of civil society as regards international courts and tribunals as well as compliance mechanisms set up especially in the environmental field may be less well known but is certainly no less important This book explores this crucial area. The attempt is timely and particularly relevant because of the continuous increase in the number of international courts tribunals and compliance mechanisms The areas of human rights international criminal law and international environmental law are the main focus of the study in the light of the well established role of NGOs in Human Rights Courts and UN bodies as well as in the light of their remarkable success in setting up the International Criminal Court and the promising avenues which are now open in the compliance bodies of environmental law conventions Broader questions and bodies such as the International Court of Justice the International Tribunal for the Law of the Sea as well as European courts and tribunals are also included The experience of a multinational group of academic scholars judges and registrars of international tribunals and experts from Non Governmental Organizations who have contributed to the book provide it with the necessary variety of approaches and points of view This book is based on the results of a research project by the Universities of Milan Brescia and Verona supported by the Italian Ministry for University and Research and by PICT the London New York Project on International Courts and Tribunals Tullio Treves is a Judge at the International Tribunal for the Law of the Sea and a Professor of International Law at the State University of Milano Marco Frigessi di Rattalma teaches International Law at the University of Brescia Attila Tanzi teaches International Law at the University of Verona Alessandro Fodella teaches International Human Rights Protection at the University of Trento Cesare Pitea and Chiara Ragni are research assistants at the University of Milan Civil Society, International Courts and Compliance Bodies Tullio Treves, 2005 With contributions by a multinational group of academic scholars judges and registrars of international tribunals and experts from Non Governmental Organizations this book explores the role of civil society with regards to international courts and tribunals as well as compliance mechanisms set up especially in the environmental field The areas of human rights international criminal law and international environmental law are the main focus of the study in the light of the well established role of NGOs in Human Rights Courts and UN bodies as well as their remarkable success in setting up the International Criminal Court and the promising avenues which are now open in the compliance bodies of environmental law conventions Broader questions and bodies such as the International Court of Justice the International Tribunal for the Law of the Sea as well as European courts and tribunals are also examined Global Civil Society in International Lawmaking and

Global Governance Barbara Woodward, 2010-05-17 International law scholarship has not adequately recognised the magnitude of the role of global civil society in global governance and international lawmaking Building upon theoretical historical and legal scholarship and presenting studies of GCS actor practice in a wide range of lawmaking processes including treaty making conferences international organisations and adjudicatory mechanisms this book convincingly demonstrates that GCS actors have created and influenced the creation of norms of binding public international law and influential non binding soft or non law It presents a compelling case that calls for augmenting GCS access to information participation in legal decision making processes for those likely to be affected and access justice thereby enhancing the legitimacy of public international law **International Courts and Environmental Protection** Tim Stephens, 2009-02-12 A comprehensive examination of international environmental litigation which addresses the major environmental challenges of the twenty first century Manual on International Courts and Tribunals Ruth Mackenzie, Cesare P. R. Romano, Yuval Shany, Philippe Sands, 2010 The dramatic rise in the number of international courts and tribunals and the expansion of their legal powers has been one of the most significant developments in international law of the late 20th century The emergence of an international judiciary provided international law with a stronger than ever law enforcement apparatus and facilitated the transformation of many aspects of international relations from being power based to being law based The first edition of the Manual on International Courts and Tribunals published in 1999 was the first book to survey systematically this new institutional landscape by describing in an accessible and uniformly structured manner the legal powers and operating procedures of all major international judicial and quasi judicial bodies In doing so it laid the groundwork for comparative study and research of the law and practice of international courts and tribunals an emerging field of international legal research which has already spurred a series of publications conferences and academic courses This second edition updates the first edition by describing the many legal changes that have taken place in the last decade including important reforms in the laws and procedures of many international courts and tribunals relevant developments in their increasingly rich jurisprudence and the creation of new judicial fora Moreover it assesses the overall record of these judicial bodies The data and legal analysis offered in the book provide both practitioners and academics with an important basis of knowledge that will help them better understand the details of international adjudication and its context Civil Society in Investment Treaty Arbitration Farouk El-Hosseny, 2018-01-09 Civil Society in Investment Treaty Arbitration Status and Prospects provides an overview of the evolution of civil society s participation as amicus curiae before ICSID tribunals and ad hoc tribunals applying the UNCITRAL Arbitration Rules That evolution fits within a broader movement towards transparency in investment treaty arbitration By looking at the procedural roles available to civil society before other jurisdictions the book questions whether the amicus role could be expanded El Hosseny ultimately shows how substance and procedure closely intertwine The issue of civil society s participation in investment treaty arbitration transcends the

procedural realm It is equally about arbitral tribunals openness vis vis public interest environmental protection and human rights issues a crucial consideration in ongoing debates over the legitimacy and future of investor state arbitration The **Hidden Hands of Justice** Heidi Nichols Haddad, 2018-08-09 As the first comprehensive analysis of NGO participation at international criminal and human rights courts this book will interest a global and wide range of students scholars and NGOs in the fields of human rights public international law politics and international relations and law and society Society 2011 H. Seckinelgin, Billy Wong, 2016-01-12 Global Civil Society 2011 combines activist and academic accounts of contemporary struggles to promote negotiate and deliver justice in a global frame without a central authority In their engagement with cultural diversity and their networked communication the contributors rethink and remake justice beyond the confines of the nation state Research Handbook on International Courts and Tribunals William A. Schabas, Shannonbrooke Murphy, 2017-02-24 This collection takes a thematic and interpretive system wide and interjurisdictional comparative approach to the debates and controversies related to the growth of international courts and tribunals By providing a synthetic overview and critical analysis of these developments from a variety of perspectives it both contextualizes and stimulates future research and practice in this rapidly developing field The Inter-American Court of Human Rights Laurence Burgorgue-Larsen, Amaya Ubeda de Torres, 2011-04-07 This book provides a reference guide to the case law of the Inter American Court of Human Rights Structured in two parts it covers the case law on jurisdiction and procedure before the Court and the case law on the scope of particular rights drawing comparisons with the case law of the European Court of Human Rights The Backlash Against Investment Arbitration Michael Waibel, 2010-01-01 This book the outgrowth of a conference organized by the editors at Harvard Law School on April 19 2008 aims to uncover the drivers behind the backlash against the current international investment regime Library of Congress Online Calalog The Amicus Curiae Phenomenon Shai Farber, 2024-09-25 This book offers a thorough analysis of the Amicus Curiae phenomenon emphasizing its critical role in modern legal systems. The book reveals how these interventions influence judicial decisions legislative processes and societal norms by presenting third party perspectives through amicus briefs Delving into the historical development and global adoption of Amicus Curiae the book provides insights into its benefits and drawbacks Readers will learn about the various types of amici the breadth of issues they address and the diverse courts that accept these briefs The author's extensive research and case studies from multiple legal systems highlight the transformative power of third party interventions in ensuring justice and public transparency The book explores real world examples where amicus briefs have played pivotal roles in landmark cases from human rights advancements to environmental protections It discusses the strategic importance of these briefs and how they democratize the legal process by allowing more voices to be heard By fostering a deeper understanding of the complexities and significance of Amicus Curiae this book empowers readers to appreciate the intricate interplay between law and societal change Ideal for legal professionals academics and anyone

interested in law and society this book is an essential guide to understanding the impact of Amicus Curiae on the judicial process Whether you are a seasoned lawyer a policymaker or a curious reader this book provides a comprehensive and engaging exploration of one of the most influential elements in contemporary jurisprudence The Constitutionalization of International Law Jan Klabbers, Anne Peters, Geir Ulfstein, 2009-10 The book examines one of the most debated issues in current international law to what extent the international legal system has constitutional features comparable to what we find in national law This question has become increasingly relevant in a time of globalization where new international institutions and courts are established to address international issues Constitutionalization beyond the nation state has for many years been discussed in relation to the European Union This book asks whether we now see constitutionalization taking place also at the global level The book investigates what should be characterized as constitutional features of the current international order in what way the challenges differ from those at the national level and what could be a proper interaction between different international arrangements as well as between the international and national constitutional level Finally it sketches the outlines of what a constitutionalized world order could and should imply The book is a critical appraisal of constitutionalist ideas and of their critique It argues that the reconstruction of the current evolution of international law as a process of constitutionalization against a background of and partly in competition with the verticalization of substantive law and the deformalization and fragmentation of international law has some explanatory power permits new insights and allows for new arguments The book thus identifies constitutional trends and challenges in establishing international organisational structures and designs procedures for standard setting implementation and judicial functions Participants in the **International Legal System** Jean d'Aspremont, 2011-04-20 The international legal system has weathered sweeping changes over the last decade as new participants have emerged International law making and law enforcement processes have become increasingly multi layered with unprecedented numbers of non State actors including individuals insurgents multinational corporations and even terrorist groups being involved This growth in the importance of non State actors at the law making and law enforcement levels has generated a lot of new scholarly studies on the topic However while it remains uncontested that non State actors are now playing an important role on the international plane albeit in very different ways international legal scholarship has remained riddled by controversy regarding the status of these new actors in international law This collection features contributions by renowned scholars each of whom focuses on a particular theory or tradition of international law a region an institutional regime or a particular subject matter and considers how that perspective impacts on our understanding of the role and status of non State actors The book takes a critical approach as it seeks to gauge the extent to which each conception and understanding of international law is instrumental in the perception of non State actors In doing so the volume provides a wide panorama of all the contemporary legal issues arising in connection with the growing role of non state actors in international law making and international law enforcement processes In Whose Name?

Armin von Bogdandy, Ingo Venzke, 2014 The vast majority of all international judicial decisions have been issued since 1990 This increasing activity of international courts over the past two decades is one of the most significant developments within the international law It has repercussions on all levels of governance and has challenged received understandings of the nature and legitimacy of international courts It was previously held that international courts are simply instruments of dispute settlement whose activities are justified by the consent of the states that created them and in whose name they decide However this understanding ignores other important judicial functions underrates problems of legitimacy and prevents a full assessment of how international adjudication functions and the impact that it has demonstrably had This book proposes a public law theory of international adjudication which argues that international courts are multifunctional actors who exercise public authority and therefore require democratic legitimacy. It establishes this theory on the basis of three main building blocks multifunctionality the notion of an international public authority and democracy The book aims to answer the core question of the legitimacy of international adjudication in whose name do international courts decide It lays out the specific problem of the legitimacy of international adjudication and reconstructs the common critiques of international courts It develops a concept of democracy for international courts that makes it possible to constructively show how their legitimacy is derived It argues that ultimately international courts make their decisions even if they do not know it in the name of the peoples and the citizens of the international community **Proving Discriminatory Violence at the European Court of Human Rights** Jasmina Mačkić, 2018-07-10 In Proving Discriminatory Violence at the European Court of Human Rights Jasmina Ma ki unveils the evidentiary issues faced by the European Court of Human Rights when dealing with cases of discriminatory violence In that context she evaluates the Court's application of the standard of proof beyond reasonable doubt and aims to answer the question whether that standard forms an obstacle in establishing the occurrence of discriminatory violence In addition she offers an assessment into the circumstances in which the burden of proof may shift from the applicant to the respondent state The author also looks at the types of evidentiary materials that may be used by the Court in order to establish discriminatory violence The European Convention of Human Rights Regime Dia Anagnostou.2022-10-27 Prompted by an unprecedented rise of litigation since the 1990s this book examines how the European Convention of Human Rights ECHR system and the Strasbourg Court interact with states and non governmental actors to influence domestic change Focusing on European Court of Human Rights litigation and state implementation of judgments related to minority discrimination and asylum migration it argues that a fundamental transformation of the Convention system has been under way Repeat and strategic litigation shifting methods of supervision and state implementation to remedy systemic violations and above all the growing engagement of civil society and non governmental actors have prompted a distinctive trend of human rights experimentalism. The emergence of experimentalism has profound implications for the legitimacy effectiveness and further reform of the ECHR system This study provides an original

constitutive account of regional human rights regimes and how they are activated by societal actors to claim rights advance case law and pressure for domestic legal and policy change It will be of interest to international law and international relations scholars political scientists specialists on the ECHR the Strasbourg Court as well as to scholars interested in the human rights of immigrants and minorities The Ashgate Research Companion to Non-State Actors Bob Reinalda, 2016-03-23 How do non state actors matter in international relations This volume recognizes three types of non state actor non governmental organizations NGOs intergovernmental organizations IGOs and transnational corporations It illustrates how they play roles alongside nation states and are interrelated in matters of international regulation and coordination After an introductory part on current qualitative and quantitative sources this comprehensive collection of state of the art essays is comprised of four main thematic parts Part II examines actors other than governments such as transnational religious actors business representatives and experts and also parliamentarians and agencies set up by IGOs Part III studies the perceptions and understandings in political philosophy international law and international relations theory It questions concepts used civil society NGO governance and covers the limitations to be kept in mind Part IV analyses the nature and impact of non state actors Chapters discuss processes within international bureaucracies diplomacy dynamism bureaucratic power contribution to democracy and the quintessence of deliberation and decision making within NGOs and IGOs and of implementation accountability and dispute settlement Part V studies specific worlds of non state actors humanitarian aid human rights security the North South divide health trade and environment Accessible and articulately written The Ashqate Research Companion to Non State Actors is aimed at a wide readership of scholars and practitioners in international relations Research Handbook on Climate Change, Oceans and Coasts Jan McDonald, Jeffrey McGee, Richard Barnes, 2020-12-25 This topical Research Handbook examines the legal intersections of climate change oceans and coasts across multiple scales and sectors covering different geographies and regions With expert contributions from Europe Australasia the Pacific North America and Asia it includes insightful chapters on issues ranging across the impacts of climate change on marine and coastal environments It assesses institutional responses to climate change in ocean and marine governance regimes adaptation to climate impacts on ocean and coastal systems and communities and climate change mitigation in marine and coastal environments Through a plurality of voices disciplinary and geographical perspectives this Research Handbook explores cross cutting themes of institutional complexity fragmentation scale and design trade offs The Practice of Independent Accountability Mechanisms (IAMs) Owen McIntyre, Suresh Nanwani, 2019-11-04 Multilateral development banks and other development agencies have adopted environmental and social safeguard policies setting due diligence standards for the provision of project finance Such policies are evolving in terms of the activities covered and in their normative requirements Recent iterations incorporate human rights requirements recognising the imperative of adopting human rights based approaches to development Each institution has also established

independent accountability mechanisms IAM variously functioning to ensure compliance with the applicable safeguards to advise management regarding the application of the obligations involved and to facilitate communication with affected communities and individuals with a view to resolving project related disputes IAMs are central to the implementation interpretation and ongoing elaboration of safeguard policies and thus to the environmental and social good governance so essential for sustainable development This edited volume presents a series of in depth examinations by leading experts from banking institutions academia and civil society of key aspects of the rapidly evolving practice of IAMs and of the implications of such practice for environmental and social governance

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