

Civil Society, International Courts and Compliance Bodies

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Civil Society International Courts And Compliance Bodies

Tim Stephens



Civil Society International Courts And Compliance Bodies:

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

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

International

Courts Versus Non-Compliance Mechanisms Christina Voigt, Caroline Foster, 2024-02-14 This book explores the best mechanisms for helping bring about compliance with international treaties In recent years many international treaties have included non compliance mechanisms NCMs to facilitate implementation and promote parties compliance with their obligations These NCMs exist alongside the formal dispute resolution processes of international courts and tribunals The authors bring together a wide legal and geographical spectrum of views from different parts of the world representing novel insights into NCMs contribution to treaty implementation and compliance The research has cast important light on how procedural innovations may help render NCMs more effective as well as on the circumstances in which they may be needed including particularly where nations share common interests populations are interdependent and implementation makes significant administrative regulatory and political demands This title is also available as Open Access on Cambridge Core

International Courts and Environmental Protection Tim Stephens, 2009-02-12 International environmental law has come of age yet the global environment continues to deteriorate The challenge of the twenty first century is to reverse this process by ensuring that governments comply fully with their obligations and progressively assume stricter duties to preserve the environment This book is the first comprehensive examination of international environmental litigation Analysing the spectrum of adjudicative bodies that are engaged in the resolution of environmental disputes it offers a reappraisal of their relevance in contemporary contexts The book critiques the contribution that arbitral awards and judicial decisions have made to the development of environmental law and considers the looming challenges for international litigation With its unique combination of scholarly analysis and practical discussion this work is especially relevant to an era in which environmental matters are increasingly being brought before international jurisdictions and will be of great interest to students and scholars engaged with this vital field

Transitional Justice and Civil Society in the Balkans Olivera Simić, Zala Volčič, 2012-11-19 Transitional Justice and Civil Society in the Balkans covers civil society engagements with transitional justice processes in the Balkans The Balkans are a region marked by the post communist and post conflict transitional turmoil through which its countries are going through This volume is intended to provide a comprehensive introduction to research in transitional justice in this part of the world mostly written by local scholars Transitional justice is ever growing field which responds to dilemmas over how successor regimes should deal with past human rights abuses of their authoritarian predecessors The editors and author emphasize the relatively unexplored and under researched role of civil society groups and social movements such as local women s groups the role of art and community media and other grass roots transitional justice mechanisms and initiatives Through specific case studies the unique contribution of this volume is not only that it covers a part of the world that is not adequately represented in transitional justice field but also that the volume is the first project originally researched and written by experts and scholars from the region or in collaboration with international scholars

From Community to Compliance? Simon Chesterman, 2015-04-16 In the past decade the

Association of Southeast Asian Nations ASEAN has transformed from a periodic meeting of ministers to setting ambitious goals of becoming a Community by 2015 ASEAN is now the most important regional organisation in the history of the continent of Asia An important tension in this transformation is the question of whether the ASEAN way defined by consultation and consensus rather than enforceable obligations is consistent with the establishment of a community governed by law This book examines the growing interest in following through on international commitments in particular monitoring implementation and compliance Key barriers remain in particular the lack of resources and ongoing resistance to accepting binding obligations It remains to be seen whether these trends herald a more measured approach to decision making in ASEAN Written for practitioners and researchers alike this important book provides the first systematic survey of monitoring within ASEAN

Amicus Curiae before International Courts and Tribunals Astrid Wiik, 2018-03-19 Seit Ende der 90er Jahre wchst die Teilnahme von amici curiae in Verfahren vor internationalen Gerichten und Schiedsgerichten obwohl Umfang Funktion und Mehrwert des amicus curiae und die Folgen seiner Einbindung f r Verfahren und die internationale Streitbeilegung kaum untersucht worden sind Dieses Werk unternimmt eine umfassende empirische Bestandsaufnahme des Instruments in der v lkerrechtlichen Streitbeilegung Es definiert und ordnet das Instrument ein in das V lkerprozessrecht Dar ber hinaus pr ft die Arbeit ob die Teilnahme von amici curiae von Nutzen oder Schaden ist f r Verfahren und inzident f r die internationale Streitbeilegung insbesondere ob amicus curiae Schrifts tze in Urteilen Ber cksichtigung finden und ob amici curiae effiziente Vertreter ffentlicher Interessen sind die Legitimit t und Transparenz internationaler Gerichte und ihrer Urteile erh hen und die Koh renz der V lkerrechts st rken

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

Interpretation in International Law Andrea Bianchi, Daniel Peat, Matthew Windsor, 2015-02-26 International lawyers have long recognised the importance of interpretation to their academic discipline

and professional practice As new insights on interpretation abound in other fields international law and international lawyers have largely remained wedded to a rule based approach focusing almost exclusively on the Vienna Convention on the Law of Treaties Such an approach neglects interpretation as a distinct and broader field of theoretical inquiry Interpretation in International Law brings international legal scholars together to engage in sustained reflection on the theme of interpretation The book is creatively structured around the metaphor of the game which captures and illuminates the constituent elements of an act of interpretation The object of the game of interpretation is to persuade the audience that one's interpretation of the law is correct The rules of play are known and complied with by the players even though much is left to their skills and strategies There is also a meta discourse about the game of interpretation playing the game of game playing which involves consideration of the nature of the game its underlying stakes and who gets to decide by what rules one should play Through a series of diverse contributions Interpretation in International Law reveals interpretation as an inescapable feature of all areas of international law It will be of interest and utility to all international lawyers whose work touches upon theoretical or practical aspects of interpretation

Greening International Jurisprudence Cathrin

Zengerling, 2013-08-22 Greening International Jurisprudence Environmental NGOs before International Courts Tribunals and Compliance Committees examines how international judicial and quasi judicial bodies enforce international environmental law with particular consideration to the role of environmental NGOs The analytical structure of the study is based on four aspects of discussion and research the enforcement deficit in environmental law global environmental governance and sustainable development the proliferation of international judicial and quasi judicial bodies and deliberation and democratic global governance Author Cathrin Zengerling analyses the institutional structure as well as the environmental case law from a total of fourteen international courts arbitral tribunals and compliance committees with special focus on accessibility comprehensiveness and transparency Underlying this analysis is the fundamental question of whether the respective body appropriately contributes to the realization of democratic governance for sustainable development After presenting her core findings the author provides concrete recommendations for future best practices and discusses the need for a new World Environment Court Researchers practitioners and students of international environmental law will find an important thought provoking and timely new text in Greening International Jurisprudence Environmental NGOs before International Courts Tribunals and Compliance Committees

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