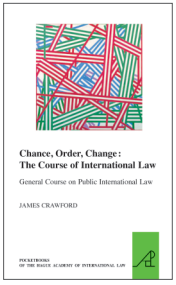
PARUTIONS AIL-POCKET - ADI-POCHE

LES LIVRES DE POCHE
DE L'ACADEMIE DE DROIT INTERNATIONAL DE LA HAYE

JAMES CRAWFORD

Chance, Order, Change : The Course of International Law



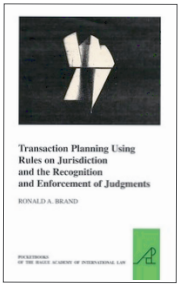
2014- 540 pages - Format : 110 x 180 mm
ISBN : 978-90-04-26808-1
Prix : 19 €

The course of international law over time needs to be understood if international law is to be understood. This work aims to provide such an understanding. It is directed not at topics or subject headings —sources, treaties, States, human rights and so on — but at some of the key unresolved problems of the discipline. Unresolved, they call into question its status as a discipline. Is international law "law" properly so-called ? In what respects is it systematic? Does it — can it — respect the rule of law? These problems can be resolved, or at least reduced, by an imaginative reading of our shared practices and our increasingly shared history, with an emphasis on process. In this sense the practice of the institutions of international law is to be understood as the law itself. They are in a dialectical relationship with the law, shaping it and being shaped by it. This is explained by reference to actual cases and examples, providing a course of international law in some standard sense as well.

James CRAWFORD AC SC FBA is the Whewell Professor of International Law, University of Cambridge, and Research Professor of Law, LaTrobe University. In 2010 he was awarded the Nessim Habif World Prize by the University of Geneva and in 2012 the Hudson Medal by the American Society of International Law. He was made a Companion of the Order of Australia in 2013.

RONALD A. BRAND

Transaction Planning Using Rules on Jurisdiction and the Recognition and Enfoncement of Judgments



2014- 360 pages - Format : 110 x 180 mm
ISBN : 978-90-04-26810-4
Prix : 19 €

Private international law is normally discussed in terms of rules applied in litigation involving parties from more than one State. Those same rules are fundamentally important, however, to those who plan crossborder commercial transactions with a desire to avoid having a dispute arise — or at least to place a party in the best position possible if a dispute does arise. This makes rules regarding jurisdiction, applicable law, and the recognition and enforcement of judgments vitally important to contract negotiations. It also makes the consideration of transactional interests important when developing new rules of private international law. These lectures examine rules of jurisdiction and rules of recognition and enforcement of judgments in the United States and the European Union, considering their similarities, their differences, and how they affect the transaction planning process.

Ronald A. BRAND is the Chancellor Mark A. Nordenberg Professor of Law and Director of the Center for International Legal Education at the University of Pittsburgh School of Law. He is a member of the International Academy of Comparative Law, a member of the Executive Committee of the American Branch of the International Law Association, and a recipient of the ABA Section on International Law's Leonard J. Theberge Award in Private International Law.

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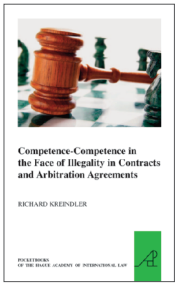
CHRISTIAN KOHLER
L'autonomie de la volonté en droit international privé : un principe universel entre libéralisme et étatisme

2013- 280 pages - Format : 110 x 180 mm
ISBN : 978-90-04-25752-8
Prix : 15,90 €

Depuis le début du XXIe siècle, l'autonomie de la volonté, reconnue comme l'un des principes de base du droit international privé, est sous l'influence de tendances opposées qui reflètent la dialectique entre la loi et la liberté. Dans cette perspective, l'auteur discute la place et les fonctions du principe d'autonomie dans les systèmes contemporains de conflits de lois et de juridictions. Sont notamment abordées les limites auxquelles le principe est confronté en matière de contrats internationaux, du fait de dispositions impératives protégeant la partie faible et de lois de police sauvegardant les politiques essentielles des Etats concernés. En revanche, dans le droit de la famille et des successions, le principe d'autonomie connaît des extensions inédites. Dans ce domaine, sa fonction est bien différente dans la mesure où il sert à mettre en œuvre l'autodétermination de l'individu et à maintenir la stabilité des relations interindividuelles. Sont également évoqués, dans les différents contextes où le principe est admis, les conditions de validité ainsi que le contrôle du contenu du contrat d'*electio juris*.

Christian KOHLER est ancien Directeur général à la Cour de justice de l'Union européenne et Honorar professor de droit international privé, de droit procédural européen et de droit comparé à l'Europa-Institut de l'Université de la Sarre. Il est membre du Groupe européen de droit international privé (dont il a assumé la présidence de2010 à 2012) et du Deutscher Rat für Internationales Privatrecht.conseil, arbitre et expert dans de très nombreuses procédures arbitrales.

RICHARD KREINDLER
Competence-Competence in the Face of Illegality in Contracts and Arbitration Agreements



2013- 500 pages - Format : 110 x 180 mm
ISBN : 978-90-04-25754-2
Prix : 19 €

Competence-competence and corruption have, for different reasons, been mainstays of international dispute resolution thought and practice for the longest time. In the last few years, their intersection has become increasingly important and problematic. These lectures seek to define the problem and to provide acceptable solutions where possible. They attempt to derive support from both a stringent dogmatic approach and pragmatic attention to real-life expectations and conduct. More so than in other areas of private international law, the intersection between the powers of the arbitrator and the illegality of the subject matter or the parties' conduct poses a particular challenge. That challenge is to postulate proper solutions under the law, including principles of transnational or international law, to conduct which can take on a multiplicity of appearances owing to conflicting cultural understandings of what is and is not legal in commercial life. The statement that bribery and corruption offend transnational or international public policy does not relieve the arbitrator from the burden of scrutinizing that statement doctrinally and exploring its consequences in a period of ever-increasing globalization of economic activity and investment.

Richard KREINDLER is one of the world's leading specialists in the areas of international arbitration and transnational litigation. He is both a professor of law and a fulltime advocate, acting as counsel, arbitrator and expert in major commercial and investment disputes throughout the world. He is the author of numerous major publications on international commercial and investment arbitration as well as cross-border litigation.Arbitration, the Royal Netherlands Academy of Arts and Sciences and the Institut de droit international.

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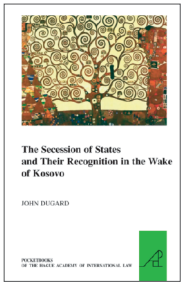
LENA GANNAGE
Les méthodes du droit international privé à l'épreuve des conflits de cultures

2013- 364 pages - Format : 110 x 180 mm
ISBN : 978-90-04-25750-4
Prix : 19 €

Cet ouvrage est consacré à l'étude des relations qui se nouent entre les systèmes européens et les systèmes de tradition musulmane dans le domaine sensible du droit de la famille. Ces relations mettent à l'épreuve la théorie générale du droit international privé qui, construite en contemplation d'ordres juridiques unis par une communauté de droit, se révèle inadaptée au traitement des différences culturelles. Au moins dans le domaine du statut personnel, cette théorie n'est pas reçue dans les systèmes de tradition musulmane et, au sein même des systèmes européens, elle peine à atteindre ses objectifs dans les relations avec les ordres juridiques relevant de cultures différentes. Prenant acte des transformations récentes qui affectent la discipline, tant sur le terrain des méthodes que sur celui des valeurs, l'étude invite à dépasser l'impasse actuelle par la promotion d'un pluralisme des méthodes de réglementation adapté aux conflits de cultures.

Léna GANNAGE est professeur de droit international privé à l'Université Panthéon-Assas (Paris II). Ses recherches portent principalement sur les sources du droit international privé, sur les relations familiales internationales et sur les rapports entre systèmes laïcs et systèmes religieux.

JOHN DUGARD
The Secession of States and Their Recognition in the Wake of Kosovo

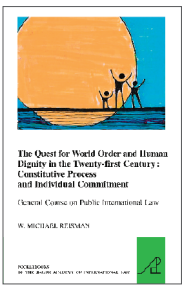


2013- 298 pages - Format : 110 x 180 mm
ISBN : 978-90-04-25748-1
Prix : 15,90 €

The secession of States is subject to legal regulation. The arguments presented by States in the advisory proceedings on Kosovo confirm that there are rules of international law that determine whether the secession of a State in the post-colonial world is permissible. These rules derive from the competing principles of self-determination and territorial integrity. In deciding whether to recognize a secessionist entity as a State, or to admit it to the United Nations, States must balance these competing principles, with due regard to precedent and State practice. These lectures examine cases in which secession has succeeded (such as Israel and Bangladesh), in which it has failed (such as Biafra and Chechnya) and in which a determination is still to be made (Kosovo, Abkhazia and South Ossetia).

John DUGARD was professor of law at the universities of Leiden, Cambridge, Pretoria and Witwatersrand. He was a member of the International Law Commission and was Special Rapporteur to the Human Rights Council on human rights in the Occupied Palestinian Territory. He is a member of the Institut de droit international and has served as a judge ad hoc at the International Court of Justice.

W. Michael REISMAN
The Quest for World Order and Human Dignity in the Twenty-first Century : Constitutive Process and Individual Commitment
General Course
on Public International Law

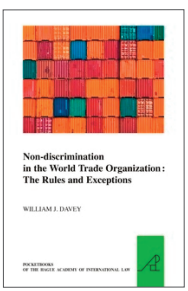


2012 – 488 pages - Format : 110 x 180 mm
ISBN : 978-90-04-23615-8
Prix : 19 €

International law's archipelago is composed of legal "islands", which are highly organized, and "offshore" zones, manifesting a much lower degree of legal organization. Each requires a different mode of decision making, each further complicated by the stress of radical change. This General Course is concerned, first, with understanding and assessing the aggregate performance of the world constitutive process, in present and projected constructs ; second, with providing the intellectual tools that can enable those involved in making decisions to be more effective, whether they are operating in islands or offshore ; and, third, with inquiring into ways the international legal system might be improved. Reisman identifies the individual as the ultimate actor in international law and explores the dilemmas of meaningful individual commitment to a world order of human dignity amidst interlocking communities and overlapping loyalties.

W. Michael REISMAN is the McDougal Professor of International Law at the Yale Law School and also Honorary Professor in the City University of Hong Kong. He is a member of the Institut de droit international, of the Board of Directors of the Foreign Policy Association and of the Advisory Committee on International Law of the US Department of State. He served formerly as President of the Inter-American Human Rights Commission and Editor-in-Chief of the American Journal of International Law.

William J. DAVEY
Non-discrimination in the World Trade Organization : The Rules and Exceptions

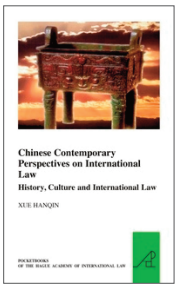


2012 - 356 pages
Format : 110 x 180 mm
ISBN : 978-90-04-23314-0
Prix : 19 €

International trade is conducted mainly under the rules of the World Trade Organization. Its non-discrimination rules are of fundamental importance. In essence, they require WTO members not to discriminate amongst products of other WTO members in trade matters (the mostfavoured-nation rule) and, subject to permitted market-access limitations, not to discriminate against products of other WTO members in favour of domestic products (the national treatment rule). The interpretation of these rules is quite difficult. Their reach is potentially so broad that it has been felt that they should be limited by a number of exceptions, some of which also present interpretative difficulties. Indeed, one of the principal conundrums faced by WTO dispute settlement is how to strike the appropriate balance between the rules and exceptions. Davey explores the background and justification for the non-discrimination rules and examines how the rules and the exceptions have been interpreted in WTO dispute settlement. He gives considerable attention to whether the exceptions give sufficient discretion to WTO members to pursue their legitimate non-trade policy goals.World Summit documents.

William J. DAVEY, BA, JD (Michigan), Dr. iur.h.c. (Bern), is the Guy Raymond Jones Chair in Law Emeritus at the University of Illinois College of Law, where he has taught international trade law since 1984. He was Director of the Legal Affairs Division of the World Trade Organization from 1995 to 1999 and has written extensively on WTO dispute settlement and international trade rules.
Arbitration, the Royal Netherlands Academy of Arts and Sciences and the Institut de droit international.

HANQIN XUE
Chinese Contempory Perspectives on International Law

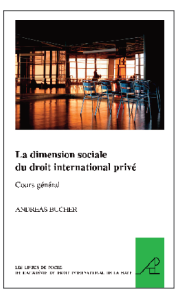


2012 - 288 pages
Format : 110 x 180 mm
ISBN : 978-90-04-23613-4
Prix : 15 €

In spite of the undoubtedly great and rising importance of the international legislative co-operation regarding private international law, it must be remembered that no successful unification or harmonization of conflict rules has ever taken place on the universel level, and that the conflict rules stemming from international legislative co-operation between a limited number of countries give rise to the same problems as non-harmonized rules, whenever they have to be used in relation to countries not participating in the legislative co-operation in question. This book will therefore focus on the last-mentioned problems and refrain from dealing with the particular issues arising from international legislative co-operation in the field of private international law. One of the principal aims of Michael Bogdan is to demonstrate the relationship between the national rules of private international law and the rest of the legal system of the forum country, in the first place its substantive private law and its law of civil procedure, as well as to illustrate the impact of the forum country's general ethical and other values on its private international law.

Hanqin XUE is one of three female judges serving on the ICJ and one of only four women elected as members of the Court to date.[1] Xue is the fifth Chinese judge at the ICJ, and the third representing the People's Republic of China.

ANDREAS BUCHER
La dimension sociale du droit international privé

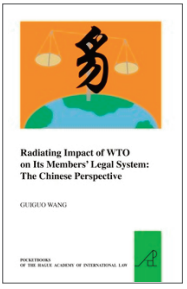


2011 - 552 pages
Format : 110 x 180 mm
ISBN : 978-90-04-20917-6
Prix : 19 €

Ce cours apporte la cohérence au pluralisme des méthodes, dans une perspective qui tient compte des intérêts de la société. Les règles de conflit de lois sont présentées dans une nouvelle structure, exhaustive, permettant de définir la place des règles unilatérales et bilatérales et des lois de police et d'y intégrer le droit de l'Union européenne. On distinguera ainsi entre les règles attributives, matérielles et réceptives de conflit de lois. Le lecteur emportera le message que les « mécanismes », la « proximité », l'« harmonie des solutions », la « coopération » et tant d'autres « techniques » en droit international privé doivent être remplies d'une idée de justice sans laquelle elles n'ont pas de mérite. Cette justice met en valeur l'identité et la protection de la personne à travers les ordres juridiques. Le regard sur cette idée sera le meilleur guide dans l'étude des règles et des méthodes du droit international privé.

Andreas BUCHER, professeur honoraire de l'Université de Genève, a été membre de la délégation suisse à plusieurs sessions diplomatiques de la Conférence de La Haye de droit international privé et président de la commission relative à la Convention sur les accords d'élection de for lors de la vingtième session ; membre de la commission d'experts pour la codification du droit international privé suisse. Il est membre de l'Institut de droit international.

GUIGUO WANG
Radiating Impact of WTO on Its Members' Legal System : The Chinese Perspective

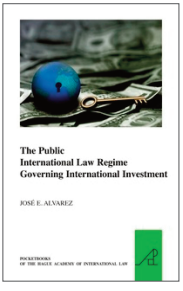


2011 - 384 pages
Format : 110 x 180 mm
ISBN : 978-90-04-4218554-3
Prix : 19 €

The World Trade Organization ("WTO") resulted from globalization, through which national law provisions are internationalized and international norms are domesticated. The WTO does not permit reservation by its members who are obliged to ensure the compliance of their laws, policies and other measures. Once a member is found to have violated its obligations, it must rectify the non-compliance measures to avoid retaliation. The quasi-automatic approval procedure of the WTO Dispute Settlement Body has proved to be effective in ensuring the compliance by members and consistency of interpretation of the WTO Agreement. As the multilateral trade institution covers a wide range of sectors from trade in goods and services, and intellectual property to investment and the measures of the members include laws and regulations, administrative decisions and judicial rulings, the impacts of the WTO on the members' legal systems are hugely profound and long lasting. In some cases, for the purpose of joining the WTO, the legal systems of the members concerned have been through significant changes.

Guigo WANG :
Diploma U of Foreign Studies, LLM Columbia, JSD Yale International
Academy of Comparative Law Titular Member
Chairman of the National Committee (Hong Kong) of the International Academy of Comparative Law
Lecturer at the Hague Academy of International Law
Chair Professor of Chinese and Comparative Law

JOSE ALVAREZ
The Public International Law Regime Governing International Investment



2011 - 504 pages
Format : 110 x 180 mm
ISBN : 978-90-04-18682-8
Prix : 19 €

This monograph considers the ramifications of the legal regime that governs transborder capital flows. This regime consists principally of a network of some 3,000 investment treaties, as well as a growing body of arbitral decisions. Professor Alvarez contends that the contemporary international investment regime should no longer be described as a
species of territorial "empire" imposed by rich capital exporters on capital importers. He examines the evolution of investment treaties and investor-State jurisprudence constante and identifies the connections between these and general trends within public international law, including the increased resort to treaties ("treatification"), growing risks to the law's consistency ("fragmentation"), and the proliferation of forms of international adjudication ("judicialization"). Professor Alvarez also considers whether the regime's efforts to "balance" the needs of non-State investors and sovereigns ought to be characterized as "global administrative law," as a form of "constitutionalization," or as an increasingly human-rights-centred enterprise.

José ALVAREZ is a Professor of International Law, he was elected to the Institut de Droit International (IDI) at this year's annual meeting of the organization in Tokyo.Alvarez is the newest member of the NYU Law community to be elected to the IDI.

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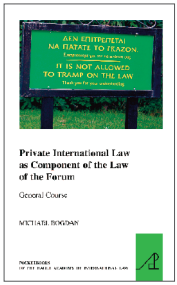
MICHAEL BOGDAN
Private International Law as component of the Law of the Forum

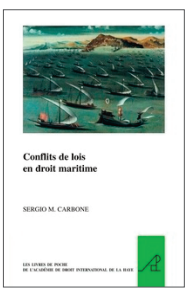


2011 - 352 pages
Format : 110 x 180 mm
ISBN : 978-90-04-22634-0
Prix : 19 €

In spite of the undoubtedly great and rising importance of the international legislative co-operation regarding private international law, it must be remembered that no successful unification or harmonization of conflict rules has ever taken place on the universel level, and that the conflict rules stemming from international legislative co-operation between a limited number of countries give rise to the same problems as non-harmonized rules, whenever they have to be used in relation to countries not participating in the legislative co-operation in question. This book will therefore focus on the last-mentioned problems and refrain from dealing with the particular issues arising from international legislative co-operation in the field of private international law. One of the principal aims of Michael Bogdan is to demonstrate the relationship between the national rules of private international law and the rest of the legal system of the forum country, in the first place its substantive private law and its law of civil procedure, as well as to illustrate the impact of the forum country's general ethical and other values on its private international law.

Michael BOGDAN is Professor of Comparative and Private International Law in the Law Faculty of the University of Lund. He is member, and former President, of GEDIP (Groupe européen de droit international privé). He is also member of the International Academy of Comparative Law and associated member of the Institut de droit internationalmission relative à la Convention sur les accords d'élection de for lors de la vingtième session ; membre de la commission d'experts pour la codification du droit international privé suisse. Il est membre de l'Institut de droit international.

SERGIO M. CARBONE
Conflits de lois en droit maritime

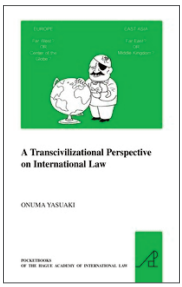


2010 - 312 pages
Format : 110 x 180 mm
ISBN : 978-90-04-18688-0
Prix : 15,90 €

La doctrine et la jurisprudence la plus récente relèvent de plus en plus les limites de l'utilisation de la nationalité du navire dans la solution des conflits de loi et l'importance du droit uniforme. En ce qui concerne les conflits de lois relatifs aux transports maritimes de marchandise, il est tenu compte des différences des solutions adoptées à propos des charter-parties, des transports tramps et des transports maritimes de ligne documentés par un connaissement. S'agissant du contrat de travail maritime, sont mis en évidence l'affaiblissement du rôle de la nationalité du navire et l'importance croissante de la négociation collective internationale. À propos de la responsabilité extracontractuelle c'est la l*ex damni* qui s'applique, sauf lorsqu'il s'agit d'évènements ayant lieu à bord du navire. De cette analyse, enfin, il ressort que la tendance à l'internationalisation du droit maritime et la fonction résiduelle confiée à la loi du pavillon dans la solution des conflits de lois sont confirmées.

Sergio M. CARBONE est professeur ordinaire de droit international et de droit de la navigation à la faculté de droit de l'Université de Gênes. Il dirige l'Institut de droit international de l'Université de Gênes. Avocat à Gênes, il est aussi rapporteur pour de nombreux colloques d'études nationales et internationales et l'auteur de plusieurs ouvrages, dont les plus récents sont : Lo spazio giudiziario europeo, 6ème éd., Turin, 2009; Il trasporto marittimo di cose, 2ème éd., Milan, 2010.

ONUMA YASUAKI
A Transcivilizational Perspective on International Law

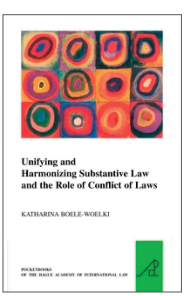


2010 - 492 pages
Format : 110 x 180 mm
ISBN : 978-90-04-18689-7
Prix : 19 €

The twenty-first century will witness conflicts which may destabilize the international order. These conflicts are likely to arise between emerging Asian States such as China and India whose material power is growing, and the Western nations who wield significant ideational power. A West-centric international society will change to a multi-polar and multi-civilizational global society. This structural change includes, and further needs, changes of understandings and perceptions of the world, including of international law. The perspectives from which we see, understand, appreciate and assess international law must change. We need to interpret international law not only from a prevalent State-centric international perspective and West-centric transnational perspective. Onuma argues that we must grasp international law from what he calls a trans-civilizational perspective as well. By adopting such three-layered perspectives, international law is shown to be functioning as a tool of politics yet constrained by cultural and civilizational factors.

John DUGARD was professor of law at the universities of Leiden, Cambridge, Pretoria and Witwatersrand. He was a member of the International Law Commission and was Special Rapporteur to the Human Rights Council on human rights in the Occupied Palestinian Territory. He is a member of the Institut de droit international and has served as a judge ad hoc at the International Court of Justice.

KATHARINA BOELE-WOELKI
Unifying and Harmonizing Substantive Law and the Role of Conflict of Laws



2010 - 288 pages
Format : 110 x 180 mm
ISBN : 978-90-04-18683-5
Prix : 15,90 €

Traditionally, conflict of law rules designate only national substantive law as the applicable law. Many unifying and harmonizing substantive law instruments of both States and non-State organizations, however, are designed specifically for application to cross-border relationships. Achieving this objective is, generally, hindered by conflict of law rules. The requirements which non-national law needs to fulfill in order to be accepted as the law governing a cross-border relationship deserve clarification. Not only uniform law, such as the CISG and the envisaged European substantive law instrument for the law of obligations, but, particularly, instruments which are aimed at harmonizing substantive law, challenge the established systems of conflict of laws. In seeking a positive approach towards the application of a law other than national law various aspects need to be considered: (1) is the decision taken by a court or an arbitral tribunal; (2) what field of law (contract/delict/tort or family relationships) is involved; and (3) the objective or subjective (choice by the parties) designation of the applicable law.

Katharina BOELE-WOELKI is Professor of private international law, comparative law and family law at the University of Utrecht, Netherlands, and Extraordinary Professor at the University of the Western Cape, South Africa. She is chair of the Commission on European Family Law (CEFL) and a titular member of the International Academy of Comparative Law.Law of the US Department of State. He served formerly as President of the Inter-American Human Rights Commission and Editor-in-Chief of the American Journal of International Law.

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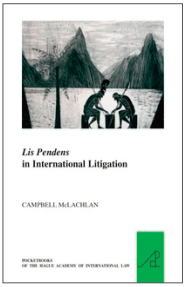
CAMPBELL MCLACHLAN
Lis Pendens in International Litigation



2009 - 492 pages
Format : 110 x 180 mm
ISBN : 978-90-04-17909-7
Prix : 19 €

What legal principles apply when courts in different jurisdictions are simultaneously seised with the same dispute? This question - of international *lis pendens* - has long been controversial. But it has taken on new and urgent importance in our age. Globalization has driven an unprecedented rise in forum shopping between national courts and a proliferation of new international tribunals. Problems of litispendence have spawned some of the most dramatic litigation of modern times - from anti-suit injunction battles in commercial disputes, to the appeals of prisoners on death row to international human rights tribunals. The way we respond to this challenge has profound theoretical implications for the interaction of legal systems in today's pluralistic world. In this wide-ranging survey, McLachlan analyses the problems of parallel litigation - in private and public international law and international arbitration. He argues that we need to develop a more sophisticated set of rules of conflict of litigation, guided by a cosmopolitan conception of the rule of law.

Campbell McLACHLAN QC (LLB (Well.); PhD (Lond.); Dip. (c.1.)Hague Acad. Int'l Law) is Professor of Law at Victoria University of Wellington; a practising barrister (Bankside Chambers, Auckland & Essex Court Chambers, London); and arbitrator (ICSID, Washington). He combines extensive scholarly research into international dispute resolution with 20 years' practical experience in the field in London and globally.

EMMANUEL DECAUX
Les formes contemporaines de l'esclavage

2009 - 268 pages
Format : 110 x 180 mm
ISBN : 978-90-04-17908-0
Prix : 15,90 €

Depuis près de deux siècles, la question de l'esclavage et de la traite négrière est au cœur des relations internationales. Du Congrès de Vienne de 1815 qui dénonce un commerce « répugnant aux principes d'humanité et de morale universelle » jusqu'à la Cour internationale de Justice qui évoque en 1970 les « principes et [l]es règles concernant les droits fondamentaux de la personne humaine, y compris la protection contre la pratique de l'esclavage » comme source d'obligations erga omnes, le droit international contemporain est caractérisé par la construction progressive d'un régime international relevant de la notion de jus cogens. Alors que de nombreux travaux récents évoquent l'esclavage sous l'angle historique ou dans une perspective contemporaine, cet ouvrage présente l'originalité de s'inscrire dans une perspective juridique de longue durée, au carrefour des sources formelles et matérielles du droit international public, tout en l'éclairant des débats les plus actuels sur les responsabilités historiques en la matière.

Emmanuel DECAUX est professeur de droit international public à l'Université Paris II (Panthéon-Assas), dont il dirige le Centre de recherche sur les droits de l'homme et le droit humanitaire (CRDH). Il a été élu membre du Comité consultatif du Conseil des droits de l'homme des Nations Unies en 2008, après avoir été membre de la Sous- Commission des droits de l'homme et de son groupe de travail sur les formes contemporaines de l'esclavage.

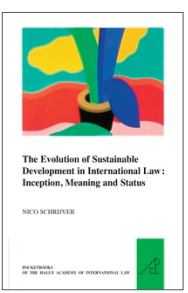
DÁRIO MOURA VICENTE
La propriété intellectuelle en droit international privé

2009 - 516 pages
Format : 110 x 180 mm
ISBN : 978-90-04-17907-3
Prix : 19 €

Ce cours apporte la cohérence au pluralisme des méthodes, dans une perspective qui tient compte des intérêts de la société. Les règles de conflit de lois sont présentées dans une nouvelle structure, exhaustive, permettant de définir la place des règles unilatérales et bilatérales et des lois de police et d'y intégrer le droit de l'Union européenne. On distinguera ainsi entre les règles attributives, matérielles et réceptives de conflit de lois. Le lecteur emportera le message que les « mécanismes », la « proximité », l'« harmonie des solutions », la « coopération » et tant d'autres « techniques » en droit international privé doivent être remplies d'une idée de justice sans laquelle elles n'ont pas de mérite. Cette justice met en valeur l'identité et la protection de la personne à travers les ordres juridiques. Le regard sur cette idée sera le meilleur guide dans l'étude des règles et des méthodes du droit international privé.

Dário MOURA VICENTE est professeur à la faculté de droit de l'Université de Lisbonne, où il enseigne le droit international privé, le droit comparé, le droit civil et le droit de la propriété intellectuelle. Il dirige l'Institut de coopération juridique de la même faculté. Avocat à Lisbonne, il est aussi l'auteur de plusieurs ouvrages concernant les matières qu'il enseigne, dont Direito Internacional Privado - Ensaios (2002-2005) et Direito Comparado (2008).

NICO SCHRIJVER
The Evolution of Sustainable Development in International Law: Inception, Meaning and Status



2008 - 276 pages - Format : 110 x 180 mm
ISBN : 978-90-04-17407-8
Prix : 15,90 €

In a remarkably short time "sustainable development" has become firmly established in international law. The World Commission on Environment and Development concisely defined this concept as: "development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs". This definition combines inter-generational equity with an awareness of the finite capacity of the earth and its natural resources. This book brings together a collection of lectures given at The Hague Academy of International Law. The aim of the book is threefold: firstly, to review the genesis, clarify the meaning and assess the status of sustainable development within international law; secondly, to examine the legal principles that have emerged in the pursuit of sustainable development; and finally, to assess to what extent the current state of law demonstrates a balance between and integration of all relevant fields of international law as urged by the Rio, Johannesburg and World Summit documents.

Dr N. J. SCHRIJVER is Professor of International Law and Academic Director of the Grotius Centre for International Legal Studies, Leiden University. He serves as a member of the UN Committee on Economic, Social and Cultural Rights and as the Chair of the International Law Association's Committee on Sustainable Development. Professor Schrijver is a member of the Permanent Court of Arbitration, the Royal Netherlands Academy of Arts and Sciences and the Institut de droit international.

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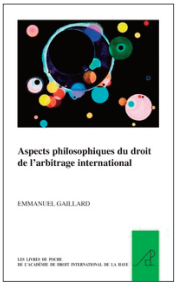
EMMANUEL GAILLARD
Aspects philosophiques du droit de l'arbitrage international



2008 - 252 pages - Format : 110 x 180 mm
ISBN : 978-90-04-17148-0
Prix : 15,90 €

Le droit de l'arbitrage, plus encore que le droit international privé, se prête à une réflexion de philosophie du droit. Les notions, essentiellement philosophiques, de volonté et de liberté sont au cœur de la matière. La liberté des parties de préférer aux juridictions étatiques une forme privée de règlement des différends, de choisir leur juge, de forger la procédure qui leur paraît la plus appropriée, de déterminer les règles de droit applicables au différend, quitte à ce qu'il s'agisse de normes autres que celles d'un système juridique donné, la liberté des arbitres de se prononcer sur leur propre compétence, de fixer le déroulement de la procédure et, dans le silence des parties, de choisir les normes applicables au fond du litige, soulèvent autant de questions de légitimité. Le présent ouvrage s'attache à identifier les postulats philosophiques qui sous-tendent la matière, à montrer leur profonde cohérence et les conséquences pratiques qui en découlent dans la résolution des grands contentieux du commerce international.

Emmanuel GAILLARD est l'un des meilleurs spécialistes du droit de l'arbitrage international au plan mondial. Professeur de droit et avocat, il est l'auteur d'un traité majeur sur l'arbitrage commercial international. Il intervient comme conseil, arbitre et expert dans de très nombreuses procédures arbitrales.

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