

FOREWARD

Lezioni di diritto internazionale pubblico by Professors Augusto Sinagra and Paolo Bargiacchi is a noteworthy addition to the rich panorama of Italian international public law textbooks. This textbook is, first and foremost, a rigorous scholarly work. However, Professors Sinagra and Bargiacchi have also achieved the nearly impossible goal of crafting a text that is approachable to students and useful to the expert academic alike. The English and Spanish translations will ensure that it becomes accessible to a wider audience. Italian and non-Italian readers alike will appreciate the authors' generous inclusion of the scholarship and views of many non-Italian authors, which adds to the broad appeal of the book.

In line with the teachings of the 'Italian school of international law', whose illustrious representatives included Professors Rolando Quadri, Riccardo Monaco, Giuseppe Sperduti, Mario Giuliano and, still today, Gaetano Arangio-Ruiz, the authors securely frame international law as a necessary link between a community, authority and the law. International law is constructed by State practice, and States remain, in the authors' view, the only legitimate actors in the international legal community. The authors consider, and then dismiss, the view that non-State actors have achieved the *status* of international law subjects and argue that the International Community remains a Community of independent and sovereign States, in which even international organizations function as agents of States. Whether or not students agree with their conclusions on this important topic, students will be well-prepared to participate in the ongoing debate.

The structure of the book follows the classic Italian textbook model, in which the theoretical underpinnings of the study are treated in-depth at the outset. Professors Sinagra and Bargiacchi first explore and explain the main theories of international law, including Kelsen's, positivism, realism and the monist and dualist approaches. Importantly, this survey includes a well-articulated review of non-Italian sources, including many eminent Members of the *American Society of International Law*. The remaining twelve Chapters can be divided into two main parts: first, a general part, where the main pillars of public international law are examined, and, second, a more specific part, which assesses particular fields within the discipline. In the general part (Chapters two to eight), the authors examine first the subjects of international law, with a particular emphasis on the concept of sovereignty; and then consider international organizations, individuals and other possible claimants, before rejecting them as proper subjects of international law. The following two Chapters are dedicated to a detailed analysis of the sources of international law, including principles, custom and treaty law, with helpful discussion of the International Law Commission's study on the *Fragmentation of International Law* and its Reports on the *Law of Treaties*. It is a measure of how up-to-date this book is that the authors include a discussion of the recent United States Supreme Court opinion in the *Medellin* case.

Of particular interest to the Italian reader is Chapter five in which the authors fully explain the adaptation of the Italian legal system to international law and European law. The authors clearly describe the monistic and dualist approaches to international law (a notoriously complicated topic that has confused students world-wide), before explaining that, under the Italian dualistic system, international law is brought into the domestic system through either an ordinary or a special procedure.

The final Chapters of the general part cover the study of the international principles applicable to the use of force, international dispute settlement and State responsibility, including a welcome focus on the ILC's 2001 *Draft Articles on Responsibility of States for Internationally Wrongful Acts*. Chapter eight examines jurisdictional immunities of States and State organs and then proceeds to chronicle the (regrettably) proliferating international criminal tribunals. Given the growing number of international law students who are likely to pursue careers in international law, Professors Sinagra and Bargiacchi helpfully explain the Courts' basic procedural rules as well as the case law.

The second part of the book (Chapters nine to thirteen) proceeds through specific important fields within general international law. First, the United Nations system is exhaustively examined. Chapter ten then presents an exhaustive analysis of the human rights protection systems, a topic of ever greater interest to students. Coverage of the law of the sea follows, including examination of the *International Seabed Authority* and the *International Tribunal for the Law of the Sea*. A thorough Chapter on international economic law follows, ranging widely from the WTO system to the Bretton-Woods institutions to modern investment treaties and the ICSID system. The book ends, appropriately, with one of the very most important topics in international law, namely environmental law with its panoply of sustainable development, climate change and biological diversity issues.

From my vantage point as President of the *American Society of International Law*, and with gratitude to my Society colleague, Dr. Chiara Giorgetti, for her help with the full Italian text, I heartily welcome the publication of *Public International Law Lectures*. This is because the mission of the Society includes furthering the study of international law, and that is exactly what this text does. Professors Sinagra and Bargiacchi have managed to explain a great quantity of complex material both clearly and succinctly, thereby opening international law to generalist as well as specialist law students. At the same time, the curious reader is directed to exhaustive additional sources, both through detailed footnotes and bibliographies helpfully included at the end of each Chapter. In doing so, this textbook refers its readers to an immense wealth of additional material to stimulate their interest and add to their knowledge of international law.

LUCY REED *

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Relevant publications: *Mixed Private and Public International Law Solutions to International Crisis*, in *Collected Courses*, The Hague Academy of International Law, 2003, 177; *Guide to ICSID Arbitration*, Kluwer, 2004; *International Claims Tribunals: What International Criminal Prosecutors Might Need to Know*, in *Proceedings of the 2nd International Humanitarian Dialogs*, Chautauqua, 2008; REED AND MARTINEZ, *THE ENERGY CHARTER TREATY: AN OVERVIEW*, 14 *ILSA J. INT. & COMP. LAW* 405, 2008; REED AND GRANOFF, *TREATIES IN US DOMESTIC LAW: MEDELLIN V. TEXAS IN CONTEXT*, 8 *LAW & PRACTICE OF INT'L COURTS & TRIBUNALS* 1, MARTINUS NIJHOFF, 2009.

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SHORT ABSTRACT

With a *Foreword* by Lucy Reed (ASIL President) this textbook (13 Chapters), adopted by several Italian universities for *Public International Law* courses, follows the overarching scholarly framework of the Italian Realist School that recognizes a link between *societas* (*community*) and *ius* (*law*). Issues and problems of classic and contemporary international law are covered: for instance, theory of obligation, sovereignty (*Boumediene*, *Al Maqaleh*, *Al-Skeini*, *Smith* are discussed), international organizations (instruments of interstate cooperation and not independent actors within the world arena), the alleged vanishing of the Westphalian concept of State, the «move to institutions», the «sovrationalist» theory, the birth of USA, sources of law, pre-emptive use of force and related State practice (US National Security Strategy, 9/11, War in Afghanistan and Iraq, 2006 Lebanon/Israel War, America's War on Terror, «Gaza Strip War»), responsibility to protect, etc. International criminal law (birth and evolution since World War I on) and tribunals (Nuremberg and Tokyo Tribunals, ICTY, ICTR, ICC, *Special Court for Sierra Leone*, *Balkan War Crimes Court*, *Special Tribunal for Lebanon*, *Extraordinary Chambers in the Court of Cambodia*) are carefully examined. More chapters deal with the UN system, the Law of the Sea, the international economic law, the international environmental law and the protection of human rights in Europe (OSCE, ECHR, EU), Americas, Africa (from the *African Charter on Human and Peoples' Rights* to the *African Court of Justice and Human Rights*), Asia (ASEAN *Human Rights Body*), Arab States (2004 *Arab Charter on Human Rights* and the *Arab Human Rights Committee*) and UN. US practice and leading American scholars' theories are reviewed, examined and discussed all along the book that will be translated into English and Spanish.

LEZIONI DI DIRITTO INTERNAZIONALE PUBBLICO

(PUBLIC INTERNATIONAL LAW LECTURES)
AUGUSTO SINAGRA – PAOLO BARGIACCHI

EXECUTIVE SUMMARY

1. With a *Foreword* by Lucy Reed (ASIL President), this textbook, adopted by several Italian universities for *Public International Law* courses, is co-authored by Augusto Sinagra and Paolo Bargiacchi and was published in September 2009 by GIUFFRÉ EDITORE (Milan, Italy). The volume will be translated into English and Spanish. The volume (pp.XXVI-646) is divided into 13 Chapters and is completed by the *Table of Contents*, the *Preface*, the list of abbreviations and periodicals (approx. 66 reviews and journals both Italian and foreign, mainly American), the list of acronyms, a general essential bibliography (both of Italian and foreign volumes and textbooks of Public International Law and General Theory of Law), a list of quoted cases (approx. 125) and a list of quoted Italian and foreign Authors (approx. 450). Each Chapter has its own specific essential bibliography both of Italian and foreign Authors.
2. The work follows the overarching scholarly framework of the Italian School (QUADRI, G. ARANGIO-RUIZ, GIULIANO, etc.) that recognizes a legal link between *societas* (*community*) and *ius* (*law*) according to the Latin maxim *Ubi societas, ibi auctoritas et ius* (“Where’s a community, there’s law and authority”). Such approach is neither sociological, nor idealistic; on the contrary the approach and the methodology is strictly realistic and proceeds from a careful evaluation of States’ practice, that is to say States’ actual behaviors on the international scene of politics. International rules derived from politics. States’s practice is the logic and methodologic key to ascertain the effective rules of international law. International Organizations are seen like mere instruments of interstate cooperation and not like independent actors on the international scene. US practice and leading American scholars (ALVAREZ, SLAUGHTER, REISMAN, GLENNON, BOLTON, ANDERSON and many others) are reviewed, examined and discussed all along the volume.
3. **Chapter One** (*The International Community and the Law*: pp.1-23; five paragraphs) deals with the General Theory of International Law, starting with the basic question “Why is international law binding?” which is differently answered comparing to the main theories of last centuries (the theory of *ius naturale*, Kelsen’s theory, the Positivist theory, the Realistic theory: §§ 2-3). A paragraph is devoted to the issue concerning legal relations between international and domestic legal systems according to monist and dualist theories (§ 4). *Medellin* (128 S.Ct. 1346, March 25, 2008) is

reviewed and discussed. Last paragraph (§ 5) deals with domestic jurisdiction and the alleged incompleteness of the international legal system.

4. **Chapter Two** (*The Subjects of International Law*: pp.25-103; twelve paragraphs) examines which are (and which are not) the subjects of international law. States (§§ 3-4), International Organizations (§ 8), insurgents (together with the Holy See, National Liberation Movements, etc: § 7), private individuals (§ 11) and other political phenomena are reviewed in the light of the main contemporary theories on subjectivity in order to ascertain whether they are legal subjects of international law or not. As a matter of general theory, those theories advocating that the Westphalian concept of State sovereignty would be an «outdated concept» (JACKSON) eventually replaced by new interdisciplinary concepts of sovereignty (SLAUGHTER, A. CHAYES-A.H. CHAYES) and, moreover, that the «move to institutions» (KENNEDY) would lead us to a «disaggregated» international community of States are discussed and rejected (§§ 5-6 and 9). On the contrary, the “old” sovereign kind of State «is here to stay» (REISMAN) and - far from having being «institutionalized» - the International Community is still a Community of independent and sovereign States. Sovereignty should also be recognized when States have jurisdiction and control over areas, premises, aircrafts, vessels, etc., even if abroad (Bagram, Guantanamo, British soldiers in Iraq are under British military jurisdiction «wherever they may be», nationals vessels in foreign harbors, etc.: *Boumediene*, *Al Maqaleh*, *Savarkar*, *Al-Skeini*, *Smith* cases are discussed): see §§ 5-6. As regards to International Organizations (§ 8), *functionalist* and *realist* approaches are advocated (States as primary actors in international relations and IOs as their agencies) as the most prominent Italian scholars had already affirmed since the Fifties (QUADRI, ARANGIO-RUIZ, GIULIANO). One paragraph is devoted to «sovrationalist» theories (§ 9). Paragraph 10 specifically deals with the birth of United States of America, an egregious example of a Confederation of independent States turning into a single State (1950 ARANGIO-RUIZ’s legal description of this phenomenon is carefully reported). Paragraph 12 deals with the right of self-determination of peoples, even in its newest «internal» dimension [*Secession of Quebec*, Supreme Court of Canada, S.C.R. 217 (1998) is discussed].

5. **Chapter Three** (*General International Law: Principles and Customs*: pp.105-149; eight paragraphs) is about general international law. Paragraph 2 advocates the existence of «legal asymmetries» within the international legal system (*jus cogens*, Art.103 UN Charter, *erga omnes* obligations, etc.), as also pinpointed by ILC’s recent study on *Fragmentation of International Law*. Principles of international law are essential to a *realistic* (non-

positivist) general theory of sources of international law as they are the primary rules of the international legal system (§ 3). Legal value and scope of Art.38 of ICJ's *Statute* is discussed at § 4. *Customs* and *local customs* are examined at §§ 5-6 as non-consensual, non-positivistic rules: accordingly *Roper v. Simmons* (125 S.Ct. 1183, march 1, 2005) is affirmed (customary international law doesn't need to be *acknowledged as such* by the US to be binding) and the persistent objector rule is denied (citing also D'AMATO). *Jus cogens* is dealt with in § 7 while the normative role of the *declarations of principles* of the General Assembly (and the unilateral acts of international law) is the subject of § 8.

6. **Chapter Four** (*Conventional International Law: Treaties*: pp.151-221; eleven paragraphs) begins with a thorough review (§§ 1-2) of definitions, features and old and new problems concerning treaties (rules in a treaty becoming binding on third States through international customs, general multilateral treaties, *traitès-lois* and treaties «of a classic kind», etc.). Paragraphs 3 and 4 are devoted, on one hand, to reciprocal, absolute and interdependent treaty obligations and, on the other hand, to *erga omnes* and *erga omnes parte* obligations: a careful review of ILC's *Reports on the Law of Treaties* is provided. Issues concerning treaties and third States and codification of international law are the subjects of paragraphs 5. The different steps to conclude a treaty (negotiation, authentication, signature, consent to be bound, entry into force) and matters of their interpretation, amendment and modification are in paragraphs 6-8. Reservations and causes of invalidity, termination and suspension of treaties are in paragraphs 9-10. Last section (the eleventh) deals with issues concerning succession of States in respect of treaties.
7. **Chapter Five** (*Adaptation Among Different Legal Systems*: pp.223-267; eight paragraphs) is about *adaptation* among different legal systems: proceeding from a dualistic theoretical **point of view**, implementation of international customs and treaties into municipal legal systems are discussed (§§ 2-4). Paragraph 5 is devoted to Italian constitutional rules about the implementation of treaties into domestic law and due attention is paid to the latest case law of ECHR of Strasbourg (rank of 1950 European Convention of Human Rights within member-States domestic legal systems) and Italian Constitutional Court. Adapting international law in respect of municipal law (§ 6), implementing International Organizations' decisions into municipal law (§ 6), adaptation of European legal systems to EC law (§ 7) and the role of Italian *regioni* (sub-state territorial divisions) on the international and EC scene are the other topics which complete *Chapter Five*.
8. **Chapter Six** (*International Disputes Settlement and the International Regime on the Use of Force*: pp.269-351; eleven

paragraphs) basically deals with two main issues: how to settle an international dispute and how and when force may be used and war may be waged. Paragraph 1 provides definitions of the main concepts in the field (self-preservation, sanction, dispute, arbitration, jurisdiction), while paragraph 2 explains why an international sentence or award is binding and, above all, why international «jurisdiction» phenomena cannot happen within the international legal system, as a matter of general theory of law and politics. Accordingly, all of them must be redefined as they actually are mere phenomena of international «arbitration», even when termed as international «courts» and «tribunals» (whether criminal or not). Pacific means (diplomatic and non diplomatic) of settling disputes are reviewed in §§ 3-4 with particular attention to the Permanent Court of Arbitration and to the International Court of Justice. Non-peaceful means for settling disputes are examined in §§ 5-6: general rules and UN rules concerning war, reprisal, aggression (*ius ad bellum*) and main principles and treaties of international humanitarian law (*ius in bello*) are discussed. *Chapter VII* legal regime, the role of Security Council in the maintenance of international security and peace and peace-keeping operations are the subjects of §§ 7-8. Opinions of American scholars, such as GLENNON, FRANCK and REISMAN are examined. A careful review and discussion is devoted to *self-defense* in general international law and, in particular, to the latest doctrines advocating both the right to pre-emptive self-defense and the right to pre-emptive use of force (to begin with *The National Security Strategy of USA*, September 2002 and march 2006). State practice is reviewed (9/11, War on Afghanistan, War on Iraq, 2006 Lebanon/Israel War, America's War on Terror, 2008-2009 «Gaza Strip War», etc.) and main theories and opinions are discussed (pinprick theory, small-scale attacks as armed attacks, non-State actors as belligerents waging war and armed attacks against States, *sponsor* States and terrorist groups, inherent right theory, etc.) in order to ascertain whether a right to pre-emptive use of force (and/or a new concept of self-defense) exists in international law or not (and, eventually, which is the scope of such an exception to the general ban on the use of force in international relations). Other exceptions to the prohibition of the threat and use of force (as they are circumstances precluding wrongfulness) are reviewed at § 10 (distress, *force majeure*, consent, necessity, etc.). Last paragraph is devoted to the humanitarian intervention and to the intervention *uti singuli* (for example, rescuing nationals abroad). A specific discussion of *responsibility to protect* when a new political and legal concept is made.

9. **Chapter Seven** (*Internationally Wrongful Acts and State Responsibility*: pp.353-377; five paragraphs) examines the two elements constituting the internationally wrongful act: a breach of

an international obligation that would be attributable to the State under international law (§§ 1-2). Issues concerning distinction between *crimina* and *delicta*, the fate of international crimes of States and the 2001 *Draft Articles on Responsibility of States for Internationally Wrongful Acts* as well as legal consequences of an internationally wrongful acts are examined in §§ 1-3. A specific analysis is devoted to art.8 of *Draft Articles* regulating the conduct of persons or groups of persons acting on the instruction of, or under the direction or control of, a State entailing its international responsibility (*de facto* organs): state practice and case-law on the point (*US Diplomatic and Consular Staff in Tehran, Nicaragua, Tadic, Aleksvoski*, etc.) are reviewed and the two applicable tests (*overall* and *effective control tests*) are compared and discussed. Paragraph 4 deals with the responsibility of International Organizations, while Paragraph 5 is about the so-called «responsibility for internationally non-wrongful acts», namely the general obligation of States to ensure that activities within their jurisdiction and control do not damage other States (see, for example, *Trail Smelter Case*).

10. Chapter Eight (*Jurisdictional Immunities of States and Their Organs. The International Criminal Tribunals*: pp.379-433; seven paragraphs) is basically divided into two parts. The first part (§§ 1-3) deals with the issue of immunities of States and their organs from foreign jurisdictions under international law. The second part (§§ 4-7) analyzes the birth and evolution of international criminal law from World War I until today. As to the **first part** of *Chapter Eight*, international legal regime concerning jurisdictional immunities of States and their organs is reviewed (to begin with the distinction between acts *jure imperii* and *jure privatorum*). The real legal meaning of the «extraterritoriality» of diplomatic and consular premises abroad is deeply discussed (§ 1) and the 2005 *UN Convention on Jurisdictional Immunities of States and Their Property* is examined (§ 2). Paragraph 3 analyzes the individual immunities of State organs and the latest news concerning international crimes both for general international law and for treaty law. International case-law on the point is reviewed (ICJ's *Arrest Warrant of 11 April 2000* case, House of Lords' *Pinochet* case, ICTY's *Furundzija*, ECHR's *Al-Adsani*, etc.) and Belgian and Spanish clauses of universal criminal jurisdiction are examined up to the latest (and still on-going) amendments. As to the **second part** of *Chapter Eight*, paragraph 4 examines the attempt of the *Allied and Associated Powers* of World War I to punish the German Emperor Willem II of Hohenzollern and, then, the World War II Tribunals of Nuremberg and Tokyo. The two Tribunals established by the Security Council (ICTY and ICTR) are the subject of § 5 and the main scholarly opinions regarding their legality are reviewed. The main features of their *Statutes* and issues concerning their primacy, their

completion strategy and the streamlined indictments complete paragraph 5. The International Criminal Court is examined in § 6: the main articles of its *Statutes*, the principle of complementarity, crimes falling within its jurisdiction, trigger mechanisms, role and function of the Security Council, updated situations of pending cases are some of the issues dealt with. In § 7, other tribunals of international kind (a more proper definition than that of «international tribunals») like the *Special Court for Sierra Leone*, the *Balkan War Crimes Court* (including Kosovo's «Regulation 64» Panels), the *Special Tribunal for Lebanon* and the *Extraordinary Chambers in the Court of Cambodia* are described.

11. Chapter Nine (*The United Nations*: pp.435-469; six paragraphs) reviews the main organs of the Organizations: General Assembly (§ 4), the Security Council (§ 5), with particular attention to issues concerning its reform (veto reform, working methods reform, enlargement of its size), the Secretariat, the ECOSOC, the UNAT and the specialized Agencies (§ 6). As a matter of general theory of international law, paragraph 1 describes what the UN *actually* is (an international Organization and not a «world government») and its *Charter* (a treaty and not a «world constitution») and rejects any attempt to confine general international law within the borders of the UN *Charter*. The historical and political process that **turned the League of Nations into the United Nations** is in § 2, while § 3 deals with issues regarding entering and leaving the Organization, and amending or revising its *Charter*.

12. Chapter Ten (*Protecting Human Rights under General International Law and Treaty Law*: pp.471-525; nine paragraphs) reviews documents, organs, means and mechanisms for protecting human rights worldwide and promoting their respect on behalf of States. The 1948 *Universal Declaration of Human Rights* is the subject of § 2, while the UN system for human rights is examined at §§ 3-4 (with a particular focus on the 1966 *International Covenants*, following *Protocols* and *Human Rights Committee*; and on the *Human Rights Council*). As to the *Human Rights Council*, the *Universal Periodic Review* mechanism is explained (as well as the *special procedures*) and due attention is paid to the recent election of US to a seat in the *Council* (May 2009). Paragraph 5 deals with the protection system centered on the *Council of Europe* and the ECHR of Strasbourg. Main articles of the 1950 Convention of Rome (and following *Protocols*) and procedures before the ECHR for complaining about violations of human rights and fundamental freedoms are examined. Paragraph 6 reviews the human rights protection system as developed both within the OSCE (an history of this Organization to begin with the 1973 CSCE is also provided) and within the European Community/Union. As to the OSCE, its main organs, meetings, documents and activities are examined

(*Summits/Ministerial Councils, Permanent Council, Forum for Security Cooperation, Secretary General, ODIHR, HCNM, OSCE Representative on Freedom of the Media, etc.*); as to the European Union, starting from the Sixties (ECJ's case-law) the protection of human rights within the international Organizations EC/EU is reviewed until present day (1992 Treaty of Maastricht, 2000 Nice Charter and 2007 Treaty of Lisbon, still not in force). The American system of human rights protection is in § 7: the OAS, the 1948 *American Declaration of the Rights and Duties of Men*, the 1969 *American Convention on Human Rights* (and following *Protocols*), the *Inter-American Court of Human Rights*, the 1959 *Inter-American Commission on Human Rights* are all examined issues. A comparison with the similar European system is also drawn. Means, organs, documents and mechanisms of human rights protection in Africa, Asia and Arab States are the subject of § 8. In Africa, the focus is on the latest news from the 1981 *African Charter on Human and Peoples' Rights* (and 1998 *Protocol* establishing an *African Court on Human and Peoples' Rights*) until the 2008 Sharm El-Sheikh *Protocol* (still not in force) merging the 1998 *African Court on Human and Peoples' Rights* with the 2003 *AU Court of Justice* in order to establish a single African Court (the *African Court of Justice and Human Rights*). In Asia, the focus is on art.14 of the *ASEAN Charter* (signed in 2007 and in force from December 2008) which establishes an *ASEAN Human Rights Body*. For Arab States, a review of 2004 *Arab Charter on Human Rights* (and of the *Arab Human Rights Committee*) is provided. Paragraph 9 deals with refugees, *non-refoulement* and the «right» to asylum. 1951 Geneva Convention on refugees is examined as well as the legal scope of its main prohibition (*non-refoulement* when political refugees arrive at State international borders). Political refugees are distinguished by *displaced persons* and pertinent State practice is considered (US temporary protected status, Thai temporary refuge granted in 1979 to Cambodian refugees, etc.). A further distinction is drawn between *territorial* asylum and *diplomatic* asylum: pertinent case-law (in particular ICJ's 1950 *Asylum Case*) and international rules (south-American regional custom allowing diplomatic asylum) are discussed.

- 13. Chapter Eleven** (*The Law of the Sea*: pp.527-553; five paragraphs) examines legal regimes applicable to the different areas of the sea: territorial sea (§ 2), with particular regard to the right of innocent passage in territorial sea; contiguous zone, exclusive economic zone and continental shelf (§ 3); High Seas (§ 4). Many other issues are dealt with (legal regime of straits used for international navigation, with particular regard to the right of transit passage; archipelagic States; piracy; hot pursuit; islands, rocks, etc.) and a thorough review of the 1982 UN *Convention on the Law of the Sea* (and its *Annexes*) is provided. The *International Seabed Authority* (main

rules and organs) is examined at § 4, including means, rules and procedures for exploration and exploitation of the *Area*. The ITLOS of Hamburg is in § 5: all the different procedures for settling disputes concerning the law of the sea (both under the UNCLOS and the ITLOS's *Statute*) are reviewed.

14. Chapter Twelve (*International Economic Law*: pp.555-605; seven paragraphs) begins with a brief review of how this area of international law developed in the last sixty years from the 1941 *Atlantic Conference* until the Bretton Woods Conference and from *Chapter IX* of the *UN Charter* until the establishment of WTO, the economic «regionalization» of the world (NAFTA, EC, UNASUR, ECOWAS, SAARC, SAFTA, etc.) and the latest *Summits* like G-8 and G-20 (§ 1). Goals and main rules (dumping, subsidies, national treatment clause, most-favored-nation treatment, elimination of quotas, etc.) of GATT are examined in § 2 (including 1994 amendments), while paragraph 3 describes structure, history, goals and organs (*Ministerial Conference, Secretariat, General Council*, also in its several different *bodies*) of the WTO. Paragraph 4 is devoted to the mechanisms of settling disputes within the WTO system: rules and procedures of the DSU (together with decisions and practice of the DSB) are reviewed and the work of *panels* and *appellate body* is explained. The IMF and the *World Bank* are dealt with in § 5: starting from the *Atlantic Charter* and the two 1944 *Articles of Agreement*, structure, goals, main rules and procedures of these two international Organizations are examined. As to the *World Bank* (a brief review of the other main multilateral development banks is also provided), the focus is on its main bodies (including *World Bank's* «affiliates»: IDA, MIGA and IFC) and weighted voting mechanism. As to the IMF, the focus is on pre-1971 gold exchange standard, on special drawing rights, on weighted voting mechanisms and on the four amendments to the 1944 *Articles of Agreement*. Paragraph 6 reviews the birth and evolution of the so-called «right to development» (including the right to permanent sovereignty over its own natural resources) of *developing countries*: a brief survey of the most important declarations, world conferences, resolutions and treaties (mostly from UN system) on the matter is provided as well as a specific analysis of the UNDP. A brief review of the *General System Preferences*, of the UNCTAD and of the main issues concerning nationalization and expropriation of foreign assets on behalf of States complete Paragraph 6. The ICSID is the subject of § 7: rules, procedures and main features of 1965 Washington Convention are discussed.

15. Chapter Thirteen (*International Environmental Law*: pp.607-631; five paragraphs) starts (§ 1) with the analysis of the 1972 *Stockholm Declaration on Human Environment* (main principles and features are discussed) and of the UNEP (structure, main organs, goals, etc.).

The concept of *sustainable development* (as well as the *Brundtland Report*) and the 1992 Rio *Earth Summit* are reviewed in § 2. In particular, the *Rio Declaration*, the *Agenda 21* and the *Statement on Forests* are examined. Moreover, the 1992 UN *Framework Convention on Climate Change* and the 1997 *Kyoto Protocol* (including the *emission trading mechanism*) are examined in § 3 (together with the 2007 Bali Conference on Climate Change and the next Copenhagen Conference as of December 2009). The subject of Paragraph 4 is the 1992 *Convention on biological diversity* and the 2000 *Cartagena Protocol on Biosafety* (including the April 2009 *Siracusa Charter on biological diversity*). The 2002 Summit on Sustainable Development of Johannesburg and the concept of «environmental democracy» as politically promoted by *Stockholm* and *Rio Declarations* and legally regulated by the 1998 Aarhus Convention and the (still not in force) 2005 Almaty Amendment to the 1998 Convention are examined and discussed in Paragraph 5.

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