CONTENTS

LIST OF ABBREVIATIONS XV

Symposium: THE LIBYAN CRISIS AND INTERNATIONAL LAW

NATO’S INTERVENTION IN LIBYA: A GENUINE ACTION TO PROTECT A CIVILIAN POPULATION IN MORTAL DANGER OR AN INTERVENTION AIMED AT REGIME CHANGE? 3
Natalino Ronzitti

THE NO-FLY ZONE OVER LIBYA: ENFORCEMENT ISSUES 21
Luisa Vierucci

RECOGNITION OF THE LIBYAN NATIONAL TRANSITIONAL COUNCIL: WHEN, HOW AND WHY 45
Giuseppe Nesi

THE SECURITY COUNCIL’S ASSET FREEZE AGAINST GADDAFI’S LIBYA AND ITS IMPLEMENTATION IN ITALY 61
Giorgio Sacerdoti and Pia Acconci

THE DAY AFTER: PROSECUTING INTERNATIONAL CRIMES COMMITTED IN LIBYA 85
Marina Mancini

BEYOND LIBYA: MORAL NORMS IN INTERNATIONAL LAW AND THE USE OF FORCE BY STATES 111
Ciaran Burke

Focus: THE ICJ JUDGMENT IN JURISDICTIONAL IMMUNITIES OF THE STATE (GERMANY V. ITALY: GREECE INTERVENING)

THE JUDGMENT OF THE INTERNATIONAL COURT OF JUSTICE ON THE IMMUNITY OF FOREIGN STATES: A MISSED OPPORTUNITY 135
Benedetto Conforti

AN AMERICAN ANOMALY? ON THE ICJ’S SELECTIVE READING OF UNITED STATES PRACTICE IN JURISDICTIONAL IMMUNITIES OF THE STATE 143
Riccardo Pavoni
**CONTENTS**

*Jus Cogens and Jurisdictional Immunities of States at the International Court of Justice: “A Conflict Does Exist”*  
Carlos Espósito  
161

*Are Italian Courts Directly Bound to Give Effect to the Jurisdictional Immunities Judgment?*  
Mirko Sossai  
175

**NOTES AND COMMENTS**

*Unlocking and Advancing the Protection of Religious Beliefs in Strasbourg: Towards Sub-Dividing “The Public Sphere”*  
John Morijn  
193

*Collective Actions in ICSID Arbitration: The Argentine Bonds Case*  
Anna de Luca  
211

*Treaty-Based Investment Arbitration and the MFN Clause: The Possible Common Denominator Between Jurisdiction and Admissibility*  
Eduardo Savarese  
241

*The Activity of the International Court of Justice in 2011*  
Paolo Palchetti  
259

*The International Tribunal for the Law of the Sea and Other Law of the Sea Jurisdictions (2011)*  
Tullio Treves  
275

*International Criminal Justice (2011)*  
Carlo Focarelli  
281

*The Arbitral Practice of the International Centre for Settlement of Investment Disputes (ICSID) in 2011*  
Eduardo Savarese  
319

**ITALIAN PRACTICE RELATING TO INTERNATIONAL LAW**

*Classification Scheme*  
349

**JUDICIAL DECISIONS**  
(edited by Giuseppe Cataldi and Massimo Iovane)

V. IMMUNITIES  
Criminal jurisdiction of the receiving State over an extraordinary rendition
committed on its territory by consular and military agents of the sending State – Consular function, grave crime and immunity from the jurisdiction under Articles 5(1), 41(1) and 43(1), respectively, of the Vienna Convention on Consular Relations of 24 April 1963 – Official duty and jurisdiction over military personnel serving overseas under Article VII of the Agreement between the Parties of the North Atlantic Treaty Regarding the Status of Their Forces of 19 June 1951 Corte d’Appello di Milano (Sez. III penale), 15 December 2010, No. 3688 Adler and others v. Tribunale di Milano (the “Abu Omar case”)

Immunity of foreign States from jurisdiction in civil matters as a customary rule automatically incorporated into the Italian legal order by virtue of Article 10, paragraph 1, of the Italian Constitution – Compensation for victims of gross human rights violations committed during World War II – Human rights exception to immunity from jurisdiction – Tort exception to immunity from jurisdiction – Abuse of sovereignty theory – Normative hierarchy theory – Generally recognised norms of international law protecting the liberty and the dignity of every human being as jus cogens – Gross violations of human rights as international crimes – Effects of international judgments within national proceedings Corte di Cassazione (Sez. I civile), 20 May 2011, No. 11163 Germany v. Prefecture of Voiotia (Greece)

XI. TREATMENT OF ALIENS AND NATIONALITY
Right to asylum – Plurality of forms of protection – Subsidiary protection – Humanitarian protection – Easing the burden of proof – Powers of investigation of the judge – Compliance with European Union law Corte di Cassazione (Sez. VI civile), 24 February 2011, Nos. 6879 and 6880 Mouktar Dabre v. Ministero dell’Interno and Commissione territoriale per il riconoscimento della protezione internazionale Emmanuel Ngongang v. Ministero dell’Interno and Commissione territoriale per il riconoscimento della protezione internazionale

XII. HUMAN RIGHTS

*Corte Costituzionale*, 20 July 2011, No. 245
*P.A. and M.A. v. Ministero dell’Interno* 379

XV. INTERNATIONAL ECONOMIC LAW
*Consiglio di Stato (Sez. VI)*, 9 August 2011, No. 4723 382

DIPLOMATIC AND PARLIAMENTARY PRACTICE
(edited by Pietro Gargiulo and Giuseppe Nesi)

II. INTERNATIONAL CUSTOM, LAW OF TREATIES AND OTHER SOURCES OF INTERNATIONAL LAW
1. *EFFECTS OF ARMED CONFLICTS ON TREATIES* 387

V. IMMUNITIES
1. *THE IMMUNITY OF STATE OFFICIALS FROM FOREIGN CRIMINAL JURISDICTION* 388

XI. TREATMENT OF ALIENS AND NATIONALITY
1. *EXPULSION OF ALIENS* 389

XII. HUMAN RIGHTS
1. *PROTECTION OF PERSONS IN THE EVENT OF DISASTERS* 390

XIV. CO-OPERATION IN JUDICIAL, LEGAL, SECURITY, AND SOCIO-ECONOMIC MATTERS
1. *INTERNATIONAL COOPERATION IN THE FIGHT AGAINST ILLEGAL IMMIGRATION* 391

XVI. INTERNATIONAL ORGANIZATIONS
1. *UNITED NATIONS*
   A. United Nations Reform 392

XVIII. USE OF FORCE AND PEACE-KEEPING
1. *THE SITUATION IN LIBYA AND THE USE OF FORCE* 394
2. *ITALIAN ANTI-PIRACY MEASURES* 398

XX. INTERNATIONAL RESPONSIBILITY
1. *RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS* 398
AGREEMENTS TO WHICH ITALY IS A PARTY AND AGREEMENTS AND UNDERSTANDINGS TO WHICH ITALIAN REGIONS AND AUTONOMOUS PROVINCES ARE PARTIES
(edited by Chiara Altafin and Marina Mancini)

I
AGREEMENTS TO WHICH ITALY IS A PARTY

A) AGREEMENTS SIGNED BY ITALY, PUBLISHED IN THE GAZZETTA UFFICIALE IN 2011

IV. DIPLOMATIC AND CONSULAR RELATIONS

X. AIR AND SPACE LAW

XI. TREATMENT OF ALIENS AND NATIONALITY
1. Immigration and Emigration

XIV. CO-OPERATION IN JUDICIAL, LEGAL, SECURITY, AND SOCIO-ECONOMIC MATTERS
1. Legal and Judicial Co-operation
2. Military and Security Matters
3. Cultural, Educational, Scientific and Technological Co-operation
4. Technical Co-operation
5. Friendship and Co-operation Treaties
6. Neighbourly Relations
7. Transport

XV. INTERNATIONAL ECONOMIC LAW
1. General Economic and Financial Co-operation
2. Taxation
3. Economic Development and Development Co-operation
4. Debt Consolidation and Cancellation Treaties

XVI. INTERNATIONAL ORGANIZATIONS
1. Headquarters Agreements and Legal Status
2. European Union
3. Other International Organizations

XIX. ARMED CONFLICT, NEUTRALITY, AND DISARMAMENT

B) AGREEMENTS SIGNED BY ITALY, PUBLISHED BEFORE 2011, THE ENTRY INTO FORCE OF WHICH WAS ANNOUNCED IN THE GAZZETTA UFFICIALE IN 2011

VI. TERRITORY
XII  CONTENTS

VII. LAW OF THE SEA 412

XIV. CO-OPERATION IN JUDICIAL, LEGAL, SECURITY, AND SOCIO-ECONOMIC MATTERS

1. LEGAL AND JUDICIAL CO-OPERATION 412
2. MILITARY AND SECURITY MATTERS 413
3. CULTURAL, EDUCATIONAL, SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION 413
4. TECHNICAL CO-OPERATION 413
5. NEIGHBOURLY RELATIONS 414
6. TOURISM 414

XV. INTERNATIONAL ECONOMIC LAW

1. TAXATION 414
2. INVESTMENT 415

II AGREEMENTS AND UNDERSTANDINGS TO WHICH ITALIAN REGIONS AND AUTONOMOUS PROVINCES ARE PARTIES

A) AGREEMENTS SIGNED BY ITALIAN REGIONS AND AUTONOMOUS PROVINCES IN 2011

ABRUZZO 417
AUTONOMOUS PROVINCE OF BOLZANO 417
EMILIA-ROMAGNA 417
TOSCANA 418

B) UNDERSTANDINGS SIGNED BY ITALIAN REGIONS AND AUTONOMOUS PROVINCES IN 2011

AUTONOMOUS PROVINCE OF BOLZANO 418
AUTONOMOUS PROVINCE OF TRENTO 418
FRIULI-VENEZIA GIULIA 419
LOMBARDIA 419
MARCHE 420
PUGLIA 420
SARDEGNA 420
TOSCANA 421
VENETO 421
Contents

Legislation (edited by Pia Acconci)

XI. Treatment of aliens and nationality 423

XVI. International organizations 427

XVIII. Use of force and peace-keeping 428

Bibliographies

Italian bibliographical index of international law 2011 (edited by Giulio Bartolini and Alessandro Chechi) 433

Review of books


Books received 491

Index 495