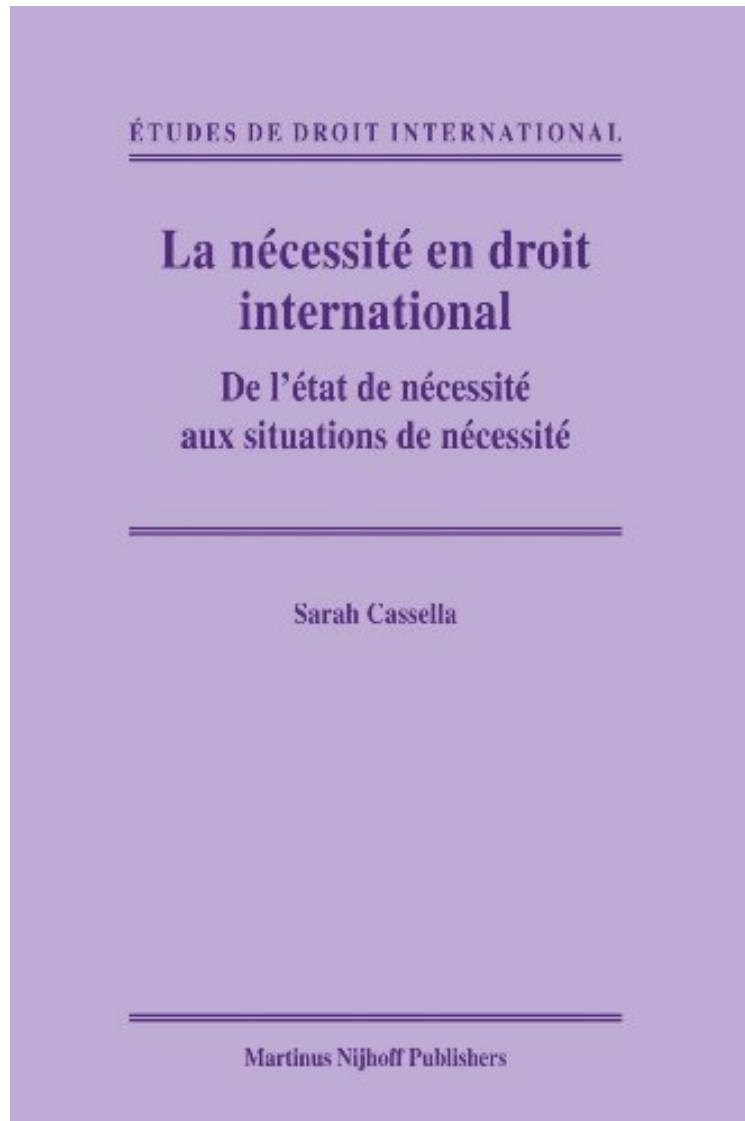


(Mobile book) La Necessite En Droit International: de L'Etat de Necessite Aux Situations de Necessite (Tudes de Droit International) (French Edition)

La Necessite En Droit International: de L'Etat de Necessite Aux Situations de Necessite (Tudes de Droit International) (French Edition)

Sarah Cassella

**Download PDF | ePub | DOC | audiobook | ebooks*



 Download

 Read Online

#19626934 in Books 2011-05-06Original language:EnglishPDF # 1 9.30 x 1.40 x 6.20l, 2.30 #File Name: 9004209964577 pages | File size: 73.Mb

Sarah Cassella : La Necessite En Droit International: de L'Etat de Necessite Aux Situations de Necessite (Tudes de Droit International) (French Edition) before purchasing it in order to gage whether or not it would be worth my time, and all praised La Necessite En Droit International: de L'Etat de Necessite Aux Situations de Necessite (Tudes

de Droit International) (French Edition):

La Commission du droit international, apres avoir longuement hesite, a inscrit l'etat de necessite dans sa codification de la responsabilite des Etats en tant que circonstance excluuant l'illiceite. L'objet de cette etude est de demontrer qu'il s'agit d'un mecanisme beaucoup plus diffus et fondamental du droit international, intimement lie a ses caracteristiques propres. Il a comme fonction la limitation des obligations substantielles des Etats lors de la survenance d'un fait-condition - la situation de necessite - afin d'eviter que l'application du droit ne genere un cout social excessif. Sa realisation requiert toujours une ponderation des interets en conflit. Seulement lorsqu'un cout social excessif ne peut etre evite, l'etat de necessite intervient dans le cadre des obligations secondaires de la responsabilite internationale, en tant que circonstance attenuante. After much hesitation, the International Law Commission codified the state of necessity as a circumstance precluding wrongfulness in the field of State responsibility. This study aims to demonstrate that it is a much wider mechanism, essential to international law and strictly connected to its own characteristics. It performs the function of limiting the substantial obligations of States in case of the realization of a fact condition - a situation of necessity - in order to avert an excessive social cost, born out of law implementation. It always works through a balance of conflicting interests. Only when a social cost cannot be avoided, the state of necessity, under the features of a mitigating circumstance, enters the field of secondary obligations relating to international responsibility.

About the Author Sarah Cassella, Ph.D. (2009) in Public Law, University Paris 1, is young lecturer at University Pantheon-Assas. She published in the field of international law on the identification of law sources by the International Court of Justice and on the relationship between international law and European Union law.