Record Nr. UNINA9910454951703321 Autore Reinisch August Titolo International organizations before national courts / / August Reinisch [[electronic resource]] Cambridge:,: Cambridge University Press,, 2000 Pubbl/distr/stampa **ISBN** 1-107-11768-2 0-511-01190-3 1-280-42073-1 0-511-17290-7 0-511-15180-2 0-511-32486-3 0-511-49443-2 0-511-04841-6 Descrizione fisica 1 online resource (Ixviii, 449 pages) : digital, PDF file(s) Collana Cambridge studies in international and comparative law;; 10 341.5/5 Disciplina Soggetti International agencies International and municipal law Jurisdiction Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Title from publisher's bibliographic system (viewed on 05 Oct 2015). Note generali Nota di bibliografia Includes bibliographical references (p. 394-443) and index. Nota di contenuto 1. Purpose, subject and methodology of this study -- Pt. I. Descriptive Analysis -- 2. Avoidance techniques -- 3. Strategies of judicial involvement -- Pt. II. Policy Issues -- 4. Rationales for judicial abstention -- 5. Reasons for asserting jurisdiction -- Pt. III. Future Developments -- 6. Do national courts provide an appropriate forum for disputes involving international organizations? -- 7. Conclusions. Sommario/riassunto A radical, empirical investigation of how national courts 'react' to disputes involving international organizations. Through comprehensive analysis of the attitudes and techniques of national courts and underlying political motives, Professor Reinisch first describes various legal approaches that result in adjudication or non-adjudication of disputes concerning international organizations. Secondly he discusses policy issues pro and contra the adjudication of such disputes. His

study then scrutinizes the rationale for immunizing international organizations from domestic litigations, especially the 'functional' need for immunity, and substantially debates the implications of a human rights-based right of access to court on immunizing international organizations against national jurisdictions. Finally he identifies contemporary trends, seeking to ascertain whether a more flexible principle exempting certain types of disputes from domestic adjudication might substitute for the traditional immunity concept, which would simultaneously guarantee the functioning and independence of international organizations without impairing private parties' access to a fair dispute settlement procedure.