

The Cambridge Handbook of Immunities and International Law

Edited by

TOM RUYS

Ghent University

NICOLAS ANGELET

Université Libre de Bruxelles

Assistant Editor

LUCA FERRO

Ghent University



CAMBRIDGE
UNIVERSITY PRESS

Contents

<i>List of Contributors</i>	<i>page</i> ix
<i>List of Abbreviations</i>	xix
<i>Table of Cases</i>	xxiii
<i>Table of Treaties</i>	lxiii
1 Introduction – International Immunities in a State of Flux? Tom Ruys, Nicolas Angelet and Luca Ferro	1
PART I INTRODUCTION	
2 The Restrictive Rule of State Immunity – The 1970s Enactment and Its Contemporary Status Hazel Fox	21
3 The Sources of Immunity Law – Between International and Domestic Law Lori Fisler Damrosch	40
4 Divergent Views on State Immunity in the International Community Wenhua Shan and Peng Wang	61
PART II IMMUNITY FROM JURISDICTION OF STATES AND INTERNATIONAL ORGANISATIONS	
5 Immunity and the Exercise of Jurisdiction – Indirect Impleading and <i>Exequatur</i> Nicolas Angelet	81
6 Jurisdictional Immunity of States and General International Law – Explaining the <i>Jus Gestionis</i> v. <i>Jus Imperii</i> Divide Alexander Orakhelashvili	105
7 Jurisdictional Immunity of States – Commercial Transactions Yas Banifatemi	125

8	Jurisdictional Immunity of States and Non-commercial Torts Sally El Sawah	142
9	Waivers of Jurisdictional Immunity Catherine Amirfar	167
10	Jurisdictional Immunities of International Organisations – Origins, Fundamentals and Challenges Niels Blokker	185
11	Immunities of the United Nations and Specialised Agencies Kristen E. Boon	201
12	Jurisdictional Immunity of Regional Organisations – Substantive Unity in Instrumental Diversity? Ramses A. Wessel	214
	PART III IMMUNITY FROM EXECUTION OF STATES AND INTERNATIONAL ORGANISATIONS	
13	The Material Scope of State Immunity from Execution Jean-Marc Thouvenin and Victor Grandaubert	245
14	Immunity from Execution of Central Bank Assets Ingrid Wuerth	266
15	Immunity from Execution and Diplomatic Property Cedric Ryngaert	285
16	Immunity from Execution of Military and Cultural Property Matthew Happold	307
17	Measures of Constraint and the Immunity of International Organisations Eric De Brabandere	327
18	Enforcing Sovereign Arbitral Awards – State Defences and Creditor Strategies in an Imperfect World Mark A. Cymrot	350
19	Immunity from Execution and Domestic Procedural Rules – Preventive Control, Burden of Proof and Discovery Mathias Audit, Nicolas Angelet and Maria-Clara Van den Bossche	379
20	Waivers of Immunity from Execution Frédéric Dopagne	389
	PART IV INDIVIDUAL IMMUNITIES	
21	Immunities of Diplomatic and Consular Personnel – An Overview Sanderijn Duquet	411

22	Diplomatic and Consular Immunities – Trends and Challenges Eileen Denza	433
23	The Immunities of Members of Special Missions Andrew Sanger and Sir Michael Wood	452
24	Foreign Officials Entitled to (Absolute) Personal Immunity during Their Time in Office Muriel Ubéda-Saillard	481
25	Functional Immunity of State Officials from the Criminal Jurisdiction of Foreign National Courts Rosanne van Alebeek	496
26	Immunities of Foreign Officials from Civil Jurisdiction Chimène I. Keitner	525
27	Immunities of Civil Servants of International Organisations Christian Walter and Fabian Preger	542
28	The Immunities of Visiting Forces Aurel Sari	559
PART V IMMUNITIES AND THE INTERNATIONAL LEGAL ORDER		
29	Between a Rock and a Hard Place – Immunities of the United Nations and Human Rights Rosa Freedman and Nicolas Lemay-Hébert	579
30	Immunities and the International Criminal Court Harmen van der Wilt	595
31	Immunities and <i>Jus Cogens</i> Violations Pierre d'Argent and Pauline Lesaffre	614
32	Judicial Review of Qualifications Made by Receiving States and Host States of International Organisations Philippa Webb	634
33	Immunity and Terrorism David P. Stewart	651
34	Immunity, Inviolability and Countermeasures – A Closer Look at Non-UN Targeted Sanctions Tom Ruys	670