

**Judge Antônio A.
Cançado Trindade**

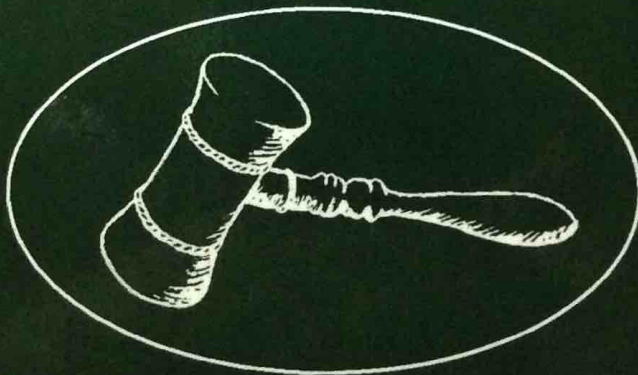
**The Construction of a
Humanized International Law**

A Collection of Individual Opinions (2013-2016)

Volume 3

**Preface by
Dean Spielmann**

**General Introduction by
Andrew Drzemczewski**



Contents

Preface IX

General Introduction 1

BOOK 3

International Court of Justice

- 1 **Implied Powers of International Tribunals** 9
Separate Opinion in the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea* (Nicaragua versus Colombia, Preliminary Objections, Judgment of 17.03.2016) 10
- 2 **The Universal Juridical Conscience, Humaneness and the Condemnation of Genocide** 39
Dissenting Opinion in the case of the *Application of the Convention against Genocide* (Croatia versus Serbia, Judgment of 03.02.2015) 40
- 3 **The Universal Juridical Conscience, Humaneness and the Obligation of Nuclear Disarmament** 235
 - 1 Dissenting Opinion in the Case of *Obligations Concerning Negotiations Relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament* (Marshall Islands versus India, Jurisdiction, Judgment of 05.10.2016) 236
 - 2 Dissenting Opinion in the Case of *Obligations Concerning Negotiations Relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament* (Marshall Islands versus United Kingdom, Jurisdiction, Judgment of 05.10.2016) 364
 - 3 Dissenting Opinion in the Case of *Obligations Concerning Negotiations Relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament* (Marshall Islands versus Pakistan, Jurisdiction, Judgment of 05.10.2016) 490
- 4 **Victims' Right to Reparations for War Damages** 613
 - 1 Declaration in the case of *Armed Activities on the Territory of the Congo* (D.R. Congo versus Uganda, Order [Reparations] of 01.07.2015) 614

- 2 Declaration in the case of *Armed Activities on the Territory of the Congo* (D.R. Congo versus Uganda, Order [Reparations], of 11.04.2016) 618
- 3 Separate Opinion in the Case of *Armed Activities in the Territory of the Congo* (D.R. Congo versus Uganda, Order [Reparations], of 06.12.2016) 624
- 5 The Evolving Law on Conservation of Living Species 635
 Separate Opinion in the case of *Whaling in the Antarctic* (Australia versus Japan, New Zealand intervening, Judgment of 31.03.2014) 636
- 6 The Relevance of General Principles of International Law 673
 1 Separate Opinion in the case concerning the *Obligation to Negotiate Access to the Pacific Ocean* (Bolivia versus Chile, Preliminary Objections, Judgment of 24.09.2015) 674
 2 Separate Opinion in the case of *Questions Relating to the Seizure and Detention of Certain Documents and Data* (Timor-Leste versus Australia, Order, Provisional Measures, of 03.03.2014) 704
- 7 The Autonomous Legal Regime of Provisional Measures of Protection 733
 1 Separate Opinion in the joined cases of *Certain Activities Carried out by Nicaragua in the Border Area* (Costa Rica versus Nicaragua) and *Construction of a Road in Costa Rica along the San Juan River* (Nicaragua versus Costa Rica) (Judgment of 16.12.2015) 734
 2 Separate Opinion in the case of *Questions Relating to the Seizure and Detention of Certain Documents and Data* (Timor-este versus Australia, Order, Provisional Measures [Modification], of 22.04.2015) 760
- Index 765