
Compensation in international law

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Reparation (indemnification) belongs to the topics of international law that are both classical and very modern. The classical aspect relates to restitution and compensation as two major forms of the reparation obligation which forms the content of the responsibility of States for internationally wrongful acts. The modern dimension of the topic relates to the right of individuals and various non-state actors to reparations. The internationalist doctrine has only started to analyse this aspect. However, the dynamic nature of international law needs to be taken into consideration. The recent developments in this law seem to open a direct access of individuals to reparation. While individual claims increase in number, inter-state disputes based on the diplomatic protection are less frequent. The individualization and depolitization of international disputes is generally considered as a positive trend, taking place mostly in the international law of human rights and international investment law. Even the recent development in international criminal law has contributed to this trend, in particular since the establishment of the International Criminal Court. It aims not only at punishing perpetrators of crimes but also at indemnifying victims of such crimes, in the forms of restitution, compensation and rehabilitation. The developments in the area of international humanitarian law are less definite, as most States show reluctance to grant reparation to individuals harmed by the actions of their armed forces within armed conflicts. The research aims at verifying whether the practice of international courts, criminal tribunals and other institutions acting in the field just results in the creation of special regimes, thus contributing to the fragmentation of international law, or whether it could actually bring about deeper structural changes of general international law.

Selected outputs

- ŠTURMA P. (ed.) a kol. Odškodňování v mezinárodním právu, Studie z mezinárodního práva č. 5, Praha: PF UK, 2013. ISBN: 978-80-87146-95-8.
- BALAŠ, V., ŠTURMA, P., The Protection of Foreign Investment – Czech National Report. In: Wenhua Shan (ed.), The Legal Protection of Foreign Investment. A Comparative Study. Oxford: Hart Publishing, 2012, s. 313-328. ISBN: 978-1-84113-884-8
- BÍLKOVÁ, V., Victims of Armed Conflicts and Their Right to Reparation Under International Humanitarian Law. In: NOWAKOWSKI-MALUSECKI, Joanna (ed.). Międzynarodowe prawo humanitarne. Antecedencje i wyzwania współczesności. Brant: Bydgoszcz-Katowice. 2010, s. 37-56. ISBN 9788361668251.
- ŠTURMA, Pavel, BÍLKOVÁ, Veronika. Damages for the infringement of human rights - the Czech Republic. In BAGINSKA, Eva (ed.). Damages for Violations of Human Rights. A Comparative Study of Domestic Legal Systems. Springer: Berlin, 2015, pp. 25-42 ISBN: 978-3-319-18950-5.