

## Professor GIULIANA ZICCARDI CAPALDO



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### **CV / Biography**

Emeritus Professor Giuliana Ziccardi Capaldo is a world-renowned pioneer of global law. She is an internationally recognized leader in the study of globalization and international law whose significant contributions helped to redefine traditionally axiomatic assumptions and pave the path for paradigm-shifts in legal process, principle, and practice.

She joined the Faculty of Law at the University of Salerno in 1977 where, after becoming a full professor, she founded and headed the Department of International Studies from 1991 to 1996 as well as directing the Ph.D. program in International Law from 1995 to 2010. At the end of the latter mandate, she edited a *Liber Discipulorum* entitled *A Dual Approach to Globalization and Legal Pluralism* (2012) for the 15<sup>th</sup> anniversary of the Ph.D. program (with a large participation of Ph.D Alumni).

Over the years, she has been entrusted with high-profile academic and scientific assignments. She has attained many distinctions in her long and productive career.

Prof. Ziccardi Capaldo is a scholar in the first instance. Her work as a scholar has advanced the scientific study of law in numerous fields. She is the author or editor of some 40 books and a large number of academic journal articles and book chapters. Her research is wide-ranging and focuses on important topics in international law. She has been involved in research in sovereignty,

jurisprudence, the law of treaties, human rights law, global terrorism, UN law, globalization and global law system.

In her book *Unlawful Territorial Situations in International Law* (1977) she presents a new theory on the effects of illegitimacy in territorial situations identifying *principles* and some forms of 'unlawfulness' in the UN practice which has gradually developed since the early years of the organization's existence. Furthermore, in *International Terrorism and Collective Guarantees* the international criminal law focus is on the rules and mechanisms that inform her innovative and influential idea about co-management strategies, key ingredients and pillars in her integrated system of collective guarantees to prevent and repress serious crimes.

The jurisprudence of international courts and tribunals and their role in developing international law belong among Professor Ziccardi Capaldo's special accomplishments and achievements. In particular, her work on international case law resulted in the introduction of a new method of analysis and systematic classification of courts' decisions. This essentially rewrote the Anglo-American approach to judicial precedents. Furthermore, a magnum opus like *Repertory of the Decisions of the International Court of Justice (1947-1992)* in two volumes (Vol. I - Substantial Law, Vol. II - Procedural Law), published by Martinus Nijhoff in 1995 (in English and French) is very unique by virtue of also functioning as an international law "manual" for five decades of ICJ activity.

Her research interests primarily concentrate on globalization and global law, and Professor Ziccardi Capaldo has produced an extremely impressive body of scholarly work. In particular, her early recognition of the intellectual significance of globalization for the study and development of international law has made her a leader in this field.

Her proudest accomplishment is having founded *The Global Community Yearbook of International Law and Jurisprudence* in 2001, published by Oxford University Press, a massive research effort which quickly became a very successful journal of which she is also General Editor. The Yearbook addresses questions that are of importance to the international/global scientific community establishing itself as an authoritative source of reference on global legal issues and international jurisprudence.

The connection between this accomplishment and Professor Ziccardi Capaldo's proven record of conceptually transformative research is clear in the case of *The Pillars of Global Law*, published by Ashgate in 2008 and republished by Routledge in 2016. In this very innovative book she adopted quite an avant-garde approach by analysing the evolution from traditional international law to modern global law. This impressive work outlines the transition to a new

world order on the basis of “four pillars” that determine the framework for the global legal system as well as the broader organization and governance premises and parameters for the global community she envisions as integrated elements of the (new principles, processes, and power distribution of) the future society. With this book, Professor Ziccardi Capaldo succeeded in the very difficult task of putting current developments within the international legal order into a coherent theoretical framework in order to provide a comprehensive understanding of the main characteristics of the emerging global law system.

Doctrinally, as the architect of the integrative approach and theorist of the integrated decision-making processes, Professor Ziccardi Capaldo took additional steps in her handbook Diritto Globale: Il nuovo diritto internazionale /*Global Law. The New International Law* (English title, in translation) published in 2010, further exploring and elaborating her vision of global constitutionalism based on the idea of securing globally shared governance in terms of a constitutional democracy and human rights protection as well as global constitutional principles within the human community as a whole. Professor R. Kolb said of this book: “L'effort de l'auteur de nous montrer le droit international public sous l'angle de ses caractéristiques acquises mais aussi sous le jour de ses linéaments évolutifs est un effort intéressant et séduisant, comparable aux grands desseins d'auteurs d'antan, comme ceux de Nicolas Politis, avec ses *Nouvelles tendances du droit international* (Paris, 1927)”.

She recently returned to her idea of global constitutionalism. In her imaginative essay *Managing Complexity within the Global Circular System: Representing a 'Communal Spider Web*, she represents the integrated constitutional structure of the global community using the image of the “communal spider web”, built by a variety of spider species working together in the same area. Specifically, she highlights in this way the complexity of the interactions between legal systems: “through global processes of integration legal orders are all inextricably linked together and with the “centre” - the point which contains a fundamental nucleus of global constitutional principles - in a unicum in which they maintain their diversity”.

With her remarkable acumen for interpreting embryonic legal patterns, Professor Ziccardi Capaldo went on, in 2018, to distil and derive the full spectrum of public norms in thought-provoking OUP blogs and Editorials, inter alia, *Getting to a Global Constitution Expanding Human Rights Law: The Application of the No-Impunity Principle to Tax Fraud Offences*.

Professor Ziccardi Capaldo's writings have not only covered a wide-range of subjects, but have also been reviewed in a highly favorable way by the most distinguished publicists.

She is admired by her peers for her originality of thought. Her influence as regards the formulation and understanding of global law were recently celebrated in the large Festschrift *GLOBAL TRENDS: LAW, POLICY & JUSTICE: Essays in Honour of Professor Giuliana Ziccardi Capaldo*, published by Oxford University Press, ([M. Cherif Bassiouni, Foreword](#)). This contains the contributions by leading academics and judges of international tribunals and serves as further evidence of Professor Ziccardi Capaldo's special status and recognition.

## KEY PUBLICATIONS

### **Books**

- THE GLOBAL COMMUNITY. YEARBOOK OF INTERNATIONAL LAW AND JURISPRUDENCE 2018 (general ed.), Oxford University Press, New York, (*forthcoming*).
- [THE GLOBAL COMMUNITY. YEARBOOK OF INTERNATIONAL LAW AND JURISPRUDENCE \(general ed.\), 2001-2017](#), original published by Oceana Publications (2001-2013), then Oxford University Press in two volumes from 2002 to 2014 edition; in one volume from 2015 edition on (2014-2017), (**30 volumes published**), reviewed, among others, by PIERRE MARIE EISEMANN, in *Annuaire français de droit international*, 2001, p. 695; MALGOSIA FITZMAURICE, in *Non State Actors and International Law*, 2/2002, pp. 339-340; FILIPPO AMATO, in *Il diritto dell'Unione europea*, 4/2002, pp. 805-806; GIORGIO BOSCO, *The Global Community YILJ*, in *Rivista di Studi Politici Internazionali*, vol. 71, N. 1, 2004, at 119-123; RAPHAËLE RIVIER, in *Revue générale de droit international public*, 2008, p. 452; M. Ch. Bassiouni, *Global Trends: Law, Policy and Justice*, Oxford University Press, 2013, vii-viii.
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- [REPERTORY OF DECISIONS OF THE INTERNATIONAL COURT OF JUSTICE / RÉPERTOIRE DE LA JURISPRUDENCE DE LA COUR INTERNATIONALE DE JUSTICE \(1947-1992\), VOL. I: SUBSTANTIVE LAW/DROIT MATÉRIEL, VOL. II: LAW OF PROCEDURE/DROIT PROCÉDURAL](#) (English and French), Martinus Nijhoff Publishers, Dordrecht-Boston-London, 1995. Reviewed, among others, by BENEDETTO CONFORTI, in *Rivista di diritto internazionale*, 1998, pp. 910-911; CHRISTOPHER GREENWOOD, in *The Cambridge Law Journal*, 1996, pp. 614-615.
- INTERNATIONAL TERRORISM AND COLLECTIVE GUARANTEES / [TERRORISMO INTERNAZIONALE E GARANZIE COLLETTIVE](#), Giuffrè, Milan, 1990. Reviewed by ANDREA BIANCHI, in *American Journal of International Law*, 1993, pp. 175-177.
- THE COMPETENCE TO DENOUNCE INTERNATIONAL TREATIES: A CONTRIBUTION TO THE STUDY OF TREATY-POWER / LA COMPETENZA A DENUNCIARE I TRATTATI INTERNAZIONALI. CONTRIBUTO ALLO STUDIO DEL *TREATY POWER*, ESI, Naples, 1983. Reviewed by CHARLES ROUSSEAU, in *Revue générale de droit international public*, 1984, p. 1001.
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- The Global Fight against Impunity and the European Court of Justice: A New Approach to Tax Fraud as a Crime against Human Rights, Liber Amicorum in onore del Prof. A. Tizzano, Giappichelli, 2018.
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