

5.บทคัดย่อบทความวิชาการด้านกฎหมาย

Title: Ownership or Use? Civilian Property Interests in International Humanitarian Law

Abstract

This article argues that if and when recovery is possible for civilian property illegally destroyed during war—and there are reasons to believe that it is becoming an ever more realistic possibility—then damages should reflect not just the replacement value or market value of the items destroyed, but rather the humanitarian value, or what we refer to as the ‘civilian use’ value. Food, medicine, and clothing should be compensated at higher levels, and according to a different calculus, than jewelry, radios, or sports equipment even though these items may cost the same to replace. For, particularly with respect to large infrastructure like grain warehouse or hospitals, international humanitarian law privileges ‘users’ over and above “owners.” This article explains the justifications for implementing a “civilian use” approach to damages, and then sketches a rough model of how an international courts or tribunal might implement the approach.

REFERENCE: (Brilmayer, L. & Chepiga, G. (2008, summer). Ownership or use? Civilian property interests in International Humanitarian Law. *Harvard International Law Journal*, 49(2), 413-446.)

อธิบายองค์ประกอบ

เป็นบทคัดย่อของบทความวิชาการ

ส่วนที่ 1 บอกวัตถุประสงค์ ส่วนที่ 2 บอกแนวคิดของการศึกษา ส่วนที่ 3 บอกวิธีการศึกษา