Yearbook of International Humanitarian Law

2008



Yearbook Of International Humanitarian Law 2008 2008

Jan Klabbers

Yearbook Of International Humanitarian Law 2008 2008:

Yearbook of International Humanitarian Law - 2008, 2012-03-14 Current peace operations often include an element of enforcement Such ope tions are based upon Chapter VII of the United Nations Charter and are regularly endowed with a right to use all necessary measures to fulfil the tasks set down in the particular mandate from the UN Security Council Such operations moreover are often deployed in unstable conditions that border on armed conflict or in areas of existing conflict At times the military forces involved in these operations are also involved in the armed conflict itself. The utilization of military force naturally raises the question of the legal status of personnel in peace operations under international humanitarian law IHL They represent the international community and as such are protected personnel But how should they be treated from the perspective of IHL Should they despite their obvious military characteristics be regarded as civilians At what point if any could they be regarded as combatants On the issue of change of status under IHL does the same threshold apply for the operation's military forces as for other mi tary personnel Does the involvement of peace forces in an armed conflict made up of contributions from a number of States automatically cause that conflict to assume an international nature Are the Convention on the Safety of United Na 3 tions and Associated Personnel and IHL applicable in non international armed conflicts mutually exclusive These dilemmas are well illustrated by the difficul 4 ties facing the International Security and Assistance Force ISAF in Afghanistan Finnish Yearbook of International Law, Volume 21, 2010 Jan Klabbers, 2012-12-05 The Finnish Yearbook of International Law aspires to honour and strengthen the Finnish tradition in international legal scholarship Open to contributions from all over the world and from all persuasions the Finnish Yearbook stands out as a forum for theoretically informed high quality publications on all aspects of public international law including the international relations law of the European Union The Finnish Yearbook publishes in depth articles and shorter notes commentaries on current developments book reviews and relevant overviews of Finland's state practice While firmly grounded in traditional legal scholarship it is open for new approaches to international law and for work of an interdisciplinary nature The Finnish Yearbook is published for the Ius Gentium Association the Finnish Society of International Law by Hart Publishing Earlier volumes may be obtained from Martinus Nijhoff an imprint of Brill Publishers Further information may be found at www fybil org INDIVIDUAL CHAPTERS Please click on the link below to purchase individual chapters from Volume 21 through Ingenta Connect www ingentaconnect com SUBSCRIPTION TO SERIES To place an annual online subscription or a print standing order through Hart Publishing please click on the link below Please note that any customers who have a standing order for the printed volumes will now be entitled to free online access www hartjournals co uk fyil subs Classification of Conflicts in International Humanitarian Law Noam Zamir, 2017-02-24 Noam Zamir provides a thorough examination of the theoretical basis of classification of conflicts in international humanitarian law IHL with special focus on the legal impact of armed foreign intervention in civil wars Classification of Conflicts in

International Humanitarian Law enriches the discourse on IHL by providing an in depth analysis of classification of conflicts and examining recent civil wars with foreign interventions such as the Libyan civil war 2011 Mali civil war 2012 2015 and the ongoing civil war in Yemen Searching for a 'Principle of Humanity' in International Humanitarian Law Dr Kjetil Mujezinovic Larsen, Camilla Guldahl Cooper, Gro Nystuen, 2013 This book provides an examination of whether there is a legally independent principle of humanity in international humanitarian law The Law of Armed Conflict and the Use of Force Frauke Lachenmann, Rüdiger Wolfrum, 2017 This volume collects articles on the law of armed conflict and the use of force from the Max Planck Encyclopedia of Public International Law to facilitate easy access to content from the leading reference work in international law Armed Non-State Actors in International Humanitarian and Human Rights Law Konstantinos Mastorodimos, 2017-05-15 The accountability of armed non state actors is a neglected field of international law overtaken by the regimes of state responsibility and individual criminal accountability as well as fears of legitimacy Yet armed non state actors are important players in the international arena and their activities have significant repercussions This book focuses on their obligations and accountability when they do not function as state agents regardless of the existence or extent of accountability of their individual members The author claims that their distinct features lead to their classification into three different types de facto entities armed non state actors in control of territory and common article 3 armed non state actors The mechanisms that trigger the applicability of humanitarian and human rights law regimes are examined in detail as well as the framework of obligations In both cases the author argues that armed non state actors should not be treated as entering international law and process exclusively through the state The study concludes by focussing on their accountability in international humanitarian and human rights law and more specifically to the rules of attribution remedies and reparations for violations of their primary obligations The Accountability of Armed Groups under Human Rights Law Katharine Fortin, Foreword by Andrew Clapham, 2017-08-11 Today the majority of the armed conflicts around the world are fought between States and armed groups rather than between States This changed conflict landscape creates an imperative to clarify the obligations of armed groups under international law While it is generally accepted that armed groups are bound by international humanitarian law the question of whether they are also bound by human rights law is controversial This book brings significant new understanding to the question of whether and when armed groups might be bound by human rights law Its conclusions will benefit international law academics legal practitioners and political scientists and anthropologists working on issues related to rebel governance and civil wars This book addresses the debate on this topic by employing a theoretical historical and comparative analysis that spans international humanitarian law international criminal law and international human rights law Embedding these different perspectives in public international law this book brings several key points of clarification to the legal framework Firstly the book draws upon social science literature on armed conflict to present a new viewpoint on the role that human rights law

plays vis vis international humanitarian law in non international armed conflicts Secondly the book sheds light on the circumstances in which armed groups acquire obligations under human rights law It brings illumination to these topics by combining historical and comparative research on belligerency insurgency and international humanitarian law with a theoretical analysis of legal personality under international law In the final part of the book the author tests the four most utilised theories of how armed groups are bound by human rights law examining whether armed groups can be bound by virtue of i treaty law ii control of territory iii international criminal law and iv customary international law In the book s conclusions the author presents final remarks that are designed to provide concrete guidance on how the issue of armed groups and human rights law can be dealt with more thoroughly in practice Protecting Civilians During Violent Conflict Igor Primoratz, 2016-04-15 There is almost unanimous agreement that civilians should be protected from the direct effects of violent conflict and that the distinction between combatant and non combatant should be respected But what are the fundamental ethical questions about civilian immunity Are new styles of conflict making this distinction redundant Eloquently combining theory and practice leading scholars from the fields of political science law and philosophy have been brought together to provide an essential overview of some of the major ethical legal and political issues with regard to protecting civilians caught up in modern inter and intra state conflicts In doing so they examine what is being done and what can be done to make soldiers more aware of their responsibilities in this area under international law and the ethics of war and more able to respond appropriately to the challenges that will confront them in the field Protecting Civilians During Violent Conflict presents a clear eyed look at the dilemmas facing regular combatants as they confront enemies in the modern battlespace and especially the complications arising from the new styles of conflict where enemy and civilian populations Hybrid and Internationalised Criminal Tribunals Sarah Williams, 2012-04-02 In recent years a number of criminal merge tribunals have been established to investigate prosecute and try individuals accused of serious violations of international humanitarian law and international human rights law These tribunals have been described as hybrid or internationalised tribunals as their structure and applicable law consist of both international and national elements Six such tribunals are currently in operation the Special Court for Sierra Leone the Extraordinary Chambers in the Courts of Cambodia the International Judges and Prosecutors Programme in Kosovo the War Crimes Chamber for Bosnia and Herzegovina the Iraqi High Tribunal and the Special Tribunal for Lebanon The Special Panels for Serious Crimes in East Timor suspended operation in May 2005 although there continues to be some international involvement in investigation and prosecution of serious crimes Suggestions have also been made that this model of tribunal would be appropriate for the prosecution of atrocities committed in among others Burundi the Sudan the Democratic Republic of Congo Kenya and Liberia as well as for a wider range of international crimes most recently piracy The key aims of this book are to place the model of hybrid and internationalised tribunals in the context of other mechanisms to try international crimes to examine the increasing demand

for the establishment of hybrid and internationalised judicial institutions and the factors driving such demand to define the category of hybrid and internationalised tribunals by examining the key features of the existing and proposed hybrid or internationalised tribunals as well as the features of those institutions with international elements that are generally excluded from this category to determine the legal and jurisdictional bases of existing hybrid and internationalised tribunals to analyse how the legal and jurisdictional basis of a tribunal affects other issues such as the applicable law the application of amnesties and immunities and the relationship of the tribunal with the host state third states national courts and other international criminal tribunals The book concentrates on the definitional legal and jurisdictional aspects of hybrid and internationalised criminal tribunals as this has been the subject of some confusion in arguments before the tribunals and in the judgments of the tribunals In its concluding section the book examines the future role of internationalised and hybrid criminal tribunals particularly in light of the establishment of the ICC and the potential use of such tribunals in other contexts It also assesses how hybrid and internationalised tribunals fit into a multi layered framework of international criminal law and transitional justice The Interpretation and Application of the European Convention of Human Rights Malgosia Fitzmaurice, Panos Merkouris, 2012-11-30 In The Interpretation and Application of the European Convention of Human Rights Legal and Practical Implications the aim is to offer a two pronged approach on the effect that the ECHR has in the field of human rights as well as in other areas of international law The first part explores general and theoretical aspects of the application of the ECHR such as provisional application norm conflict resolution the interplay between human rights and occupation law The second Part building on the research and conclusions of the first Part examines the amphidromous relationship of the ECHR with other areas of law Since no branch of international law exists in clinical isolation this Part analyses the effects that the ECHR has on and is recipient of from a variety of diverse areas of law such as law of the sea investment law and rights of indigenous peoples Human Rights in Armed Conflict Gerd Oberleitner, 2015-03-05 A comprehensive analysis of the legal challenges and practical consequences of applying international human rights law in armed conflict situations A Toolbox for the Application of the Rules of Targeting Tetyana (Tanya) Krupiy, 2016-02-29 How military commanders interpret the rules of targeting impacts not only on whether civilians and civilian objects are harmed in the course of a military operation but also on the scale of harm that ensues Commentators have queried whether military commanders observed the law even when parties to a conflict acted in accordance with mandates to protect civilians as was the case when a coalition of states bombed targets in Libya in 2011 However limited guidance is publicly available on how military commanders apply these rules on the battlefield In order to allow military commanders to exercise judgment in determining what steps they are required to take to spare civilians in a specific set of circumstances the rules of targeting are formulated in an open ended fashion which complicates one s ability to evaluate whether a particular military operation complies with the law By examining case studies ranging from Operation Desert Storm in 1991 to Operation Protective Edge

in 2014 this book addresses lacunae in current scholarship It puts forward principles which capture how military commanders deliberate while interpreting what the rules of targeting require in particular scenarios International humanitarian law this book contends places a duty on attackers to assume risk in order to mitigate danger to civilians Drawing on the field of psychology this study provides an explanation of how military commanders assess when circumstances do not permit them to inform civilians about a forthcoming attack The Old Bridge of Mostar and **Increasing Respect for Cultural Property in Armed Conflict** Jadranka Petrovic, 2012-11-01 Based on the study of the Old Bridge of Mostar this book concerns the adequacy of the international humanitarian law regime relating to the targeting and destruction of immovable cultural property in armed conflict at both normative and enforcement level Non-State Actors Engaged in Hostilities Gregory Rose, Bruce Oswald, 2016-08-01 Detention of Non State Actors engaged in Hostilities The Future Law explores legal dilemmas facing detention management during military missions overseas Armed forces increasingly find themselves facing non international armed conflict with non state actors such as insurgents terrorists or other civilians whom they might be permitted to kill or capture in some circumstances The book considers the legal powers of military forces to apprehend non State actors and to hold them in ongoing detention or to transfer them to judicial authorities for prosecution It deals with both theoretical approaches and practical case studies concerning management and treatment of detainees It concludes by synthesizing the options and delivering a detailed set of guidelines that are proposed as emerging norms for the detention of non state actors in an armed conflict The UN Security Council Members' Responsibility to Protect Andreas S. Kolb, 2017-12-04 This book examines the hard legal core if any of the Responsibility to Protect R2P concept with regard to the commitment to take collective action through the UN Security Council It addresses the guestion of whether public international law establishes a duty on the part of the individual Security Council members to collectively take the necessary action to prevent atrocities genocide crimes against humanity war crimes and ethnic cleansing To this end it offers an interpretation of provisions in multilateral conventions such as the undertaking to prevent genocide in Article 1 of the Genocide Convention and the undertaking to ensure respect for the Geneva Conventions in common Article 1 of the 1949 Geneva Conventions analyses the UN Charter framework for Security Council action and explores whether the recognition of the international responsibility to protect has prompted the emergence of a new norm for general international law A Humanitarian Critique of International Humanitarian Law Kailash Jeenger, 2025-08-28 This book offers a critical assessment of international humanitarian law by employing mainly the Third World Approaches to International Law TWAIL which encompass the critical Marxist gender critical race and post colonial theories The book contains a materialist account of the historical development of the law in order to investigate its problematic foundations and reveal how the imperialist and capitalist tendencies shaped the content of this law It discusses the history of exclusion of the Third World from the negotiations and application of the law It underscores how the law helped the colonizers maintain their

domination The book also engages deeply with the negotiating history of the 1949 Geneva Conventions and the 1977 Protocols in order to understand the perspectives of the Third World and the dominating nations It further examines critically the rules and principles of international humanitarian law in order to inquire into their real character and see to what extent they fulfil the humanitarian goals especially when this body of law is glorified and marketed in the name of International Humanitarian Law The critical analysis of the rules and principles highlights the gaps in the protection of victims of armed conflict and exposes their vague and unworkable language that often facilitates and legitimates violence The book thus questions and challenges the humanitarian face of international humanitarian law As the book offers a critical perspective it is going to be an unavoidable reference material on the subject especially for students pursuing masters doctoral and post doctoral programs The multi disciplinary nature of the subject renders the book useful in a variety of courses in social sciences and humanities at different levels The utility of the book is not confined to the academic world only and it is beneficial for international bodies humanitarian actors army officials diplomats think tanks non governmental organizations human rights activists and research organizations *International Humanitarian Law* Dr U C Jha, 2011-05-26 This book gives an up to date and comprehensive analysis of international humanitarian law or the laws of war The author has traced the history of the laws of war and examined their relations with human rights and refugee laws The topics covered include protection to the victims of war prisoners civilians women children the natural environment and cultural property The book contains an updated account of the functioning of the International Criminal Court and explores the concept of command responsibility as well as the area of private military and security companies Besides discussing the law during air and naval warfare the author has critically examined certain challenges which humanitarian law is facing today from cyber warfare nuclear phosphorous and depleted uranium weapons the use of chemical agents and targeted killing This book is an invaluable resource for anyone interested or working in the field of international humanitarian law teachers students lawyers government officials military and police personnel researchers and human rights activists Protection of Civilians and Individual Accountability Lenneke Sprik, 2019-08-13 This book explores the question of whether peacekeeping commanders can be held accountable for a failure to protect the civilian population in the mission area This requires an assessment of whether peacekeeping commanders have an obligation to act against such serious crimes being committed under domestic and international law The work uses the cases of the Dutch and Belgian peacekeeping commanders in Srebrenica and Kigali as examples but it also places the analysis into the context of contemporary peacekeeping operations It unfolds two main arguments First it provides a critical note to the contextual interpretation given to international law in relation to peacekeeping It is argued that establishing a specific paradigm for peacekeeping operations with clear rules of interpretation and benchmark criteria would benefit peacekeeping and international law by making the contextual interpretation of international law redundant Second it is held that alternative options to the existing forms of criminal responsibility for

military commanders should be considered possibly focusing more clearly on failing to fulfil a norm of protection that is specific to peacekeeping and distinct from protective obligations under international human rights law and international **International Law in the Transition to Peace** Carina Lamont, 2021-11-14 This book proposes a humanitarian law normative framework specifically designed for the complex and legally uncertain time period between armed conflicts and peace As such it contributes both to the furthering of a jus post bellum framework and to enhanced legal clarity in complex and legally uncertain environments This in turn contributes to strengthened protection engagements and thus to improved prospects of enabling sustainable peace and security in both national and international perspectives The book offers a novel but persuasive argument for a legal framework specific for transitional environments Such legal framework it is argued is warranted in order to enable legal clarity to contemporary and outstanding legal issues as well as to furthering peace efforts in complex environments The legal framework suggested proposes a dividing line between applicable legal frameworks that it is submitted enhances both legal clarity on protection engagements and the quest for sustainable peace The framework proposed is founded on a legal analysis of the protective nature and function of law It thus provides a rare but important perspective on law that is of value in the quest for sustainable peace and security The research draws uniquely on both contemporary legal debates and on peace and conflict research It does so in order to enable legal analysis that is both legally sound as well as appropriate and adequate in today s peace and security realities. The book provides a valuable resource for academics researchers and policy makers in the areas of Public International Law International Humanitarian Law International International Human Rights Law the law of Peace Operations and Peace and Security Studies Humanitarian Law Emily Crawford, Alison Pert, 2020-03-12 Provides an accessible scholarly and up to date examination of international humanitarian law

The Top Books of the Year Yearbook Of International Humanitarian Law 2008 2008 The year 2023 has witnessed a noteworthy surge in literary brilliance, with numerous captivating novels enthralling the hearts of readers worldwide. Lets delve into the realm of top-selling books, exploring the fascinating narratives that have charmed audiences this year. The Must-Read: Colleen Hoovers "It Ends with Us" This heartfelt tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover expertly weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Uncover the Best: Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Yearbook Of International Humanitarian Law 2008 2008: Delia Owens "Where the Crawdads Sing" This evocative coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens spins a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a masterful and gripping novel that will keep you wondering until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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