

Reviews

***War by Contract: Human Rights, Humanitarian Law and Private Contractors*, edited by Francesco Francioni and Natalino Ronzitti, Oxford University Press, 2011, 576pp, Hbk £80, ISBN: 978-0199604555.**

The outsourcing of military and security services, previously a paradigmatic governmental function, to private commercial entities in the form of Private Military and Security Companies (PMSCs) is a contemporary phenomenon that has gained momentum in the course of the past decade. The growth of the PMSC industry not only outstripped the military presence on the ground in Afghanistan and Iraq towards the end of those operations, but outpaced attempts at formulating coherent law and policy. Indeed, basic characteristics of the PMSC industry such as its size and level of involvement are hazy, and the categorisation of its constituent companies remains contentious. The range of challenges that this industry presents in the legal sphere alone is supplemented by the additional layers of complexity created by PMSCs which are such that, despite *War by Contract* being published some eight years after the initial military operations in Afghanistan and Iraq, our understandings of these developments have not significantly advanced. Thus, *War by Contract* is simultaneously a monumental academic achievement addressing an impressive array of issues incisively, while also appearing to only skim the tip of the iceberg of the PMSC industry. This effect is exacerbated by the difficulties inherent in the subject-matter, which, when coupled with necessary space constraints, frustratingly result at times in an apparently cursory manner being adopted in some chapters in which important implications arising from the arguments presented are superficially addressed.

The corresponding academic interest in the development and evolution of the PMSC industry has spawned a significant number of publications addressing the issue from a range of disciplinary perspectives. The vast majority of current academic consideration of PMSCs views the industry as a *fait accompli*, and thus coalesces around refining the relationship between the industry and the military or focuses on analysing the repercussions associated with governance and security of the privatised provision of military services and security. Thus, *War by Contract* stands out by virtue of its focus upon the regulatory and governance roles played by international human rights law and international humanitarian law, which are further supplemented by criminal and civil

War By Contract Human Rights Humanitarian Law And Private Contractors

Francesco Francioni, Natalino Ronzitti



War By Contract Human Rights Humanitarian Law And Private Contractors:

War by Contract Francesco Francioni, Natalino Ronzitti, 2011-01-13 The conduct of armed conflict is increasingly being outsourced to private military and security companies whose legal position remains unclear This book identifies and analyses the human rights and humanitarian law framework applicable to these companies examining how they can be held to account and how victims can obtain remedies

War by Contract Francesco Francioni, Natalino Ronzitti, 2011 The conduct of armed conflict is increasingly being outsourced to private military and security companies whose legal position remains unclear This book identifies and analyses the human rights and humanitarian law framework applicable to these companies examining how they can be held to account and how victims can obtain remedies

War, Conflict and Human Rights Chandra Lekha Sriram, Olga Martin-Ortega, Johanna Herman, 2017-08-02 War Conflict and Human Rights is an innovative inter disciplinary textbook combining aspects of law politics and conflict analysis to examine the relationship between human rights and armed conflict This third edition has been fully revised and updated and contains a completely new chapter on business conflict and human rights Making use of both theoretical and practical approaches the authors examine the tensions and complementarities between protection of human rights and resolution of conflict the competing political demands and the challenges posed by internal armed conflict and the increasing role of nonstate actors including corporations in armed conflicts explore the scope and effects of human rights violations in contemporary armed conflicts such as in Sierra Leone Sudan South Sudan the Democratic Republic of Congo and the former Yugoslavia assess the legal and institutional accountability mechanisms developed in the wake of armed conflict to punish violations of human rights law and international humanitarian law such as the ad hoc tribunals for the former Yugoslavia and Rwanda hybrid or internationalized tribunals and the International Criminal Court discuss continuing and emergent global trends and challenges in the fields of human rights and conflict analysis This volume will be essential reading for students of war and conflict studies human rights and international humanitarian law and highly recommended for students of conflict resolution peacebuilding international security transitional justice and international relations generally

Human Rights Or Global Capitalism Manfred Nowak, 2017 Human Rights or Global Capitalism examines the application of neoliberal policies from a human rights perspective and asks whether states by outsourcing to the private sector many services with a direct impact on human rights abdicate their responsibilities to uphold human rights and violate international law

Defending Human Rights and Democracy in the Era of Globalization Akrivopoulou, Christina, 2016-09-21 The era of technology in which we reside has ushered in a more globalized and connected world While many benefits are gained from this connectivity possible disadvantages to issues of human rights are developed as well Defending Human Rights and Democracy in the Era of Globalization is a pivotal resource for the latest research on the effects of a globalized society regarding issues relating to social ethics and civil rights Highlighting relevant concepts on political autonomy migration and asylum this book is ideally

designed for academicians professionals practitioners and upper level students interested in the ongoing concerns of human rights

Law's Impunity Hin-Yan Liu, 2015-09-24 When faced with those who act with impunity we seek the protection of law We rely upon the legal system for justice from international human rights law that establishes common standards of protection to international criminal law that spearheads efforts to end impunity for the most heinous atrocities While legal processes are perceived to combat impunity and despite the ready availability of the law accountability often remains elusive What if the law itself enables impunity *Law's Impunity* asks this question in the context of the modern Private Military Company PMC examining the relationship between law and the concepts of responsibility and impunity This book proposes that ordinary legal processes do not neutralise but rather legalise impunity This radical idea is applied to the abysmal record of human rights violations perpetrated by the modern PMC and the shocking absence of accountability This book demonstrates how the law organises rather than overcomes impunity by detailing how the modern PMC exploits ordinary legal processes to systematically exclude itself from legal responsibility Thus *Law's Impunity* offers an alternative to conventional thinking about the law providing an innovative approach to assess and refine the rigour of legal processes in the ongoing quest to end impunity

Human Rights in Armed Conflict Gerd Oberleitner, 2015-03-05 It is now widely accepted that international human rights law applies in situations of armed conflict alongside international humanitarian law but the contours and consequences of this development remain unclear This book revisits organizes and contextualizes the debate on human rights in armed conflict and explores the legal challenges operational consequences and policy implications of resorting to human rights in situations of inter and intra state violence It presents the benefits and the drawbacks of using international human rights law alongside humanitarian law and discusses how the idea law and policy of human rights influence the development of the law of armed conflict Based on legal theory policy analysis state practice and the work of human rights bodies it suggests a human rights oriented reading of the law of armed conflict as feasible and necessary in response to the changing character of war

The Routledge Research Companion to Security Outsourcing Joakim Berndtsson, Christopher Kinsey, 2016-06-10 Conveniently structured into five sections *The Routledge Research Companion to Outsourcing Security* offers an overview of the different ways in which states have come to rely on private contractors to support interventions Part One puts into context the evolution of outsourcing in Western states that are actively involved in expeditionary operations as well as the rise of the commercial security sector in Afghanistan To explain the various theoretical frameworks that students can use to study security military outsourcing Part Two outlines the theories behind security outsourcing Part Three examines the law and ethics surrounding the outsourcing of security by focusing on how states might monitor contractor behaviour hold them to account and prosecute them where their behaviour warrants such action The drivers politics and consequences of outsourcing foreign policy are covered in Part Four which is divided into two sections section one is concerned with armed contractors providing the provision of private security with the main driver

being a capability gap on the part of the military law enforcement agencies and section two looks at military contractors supporting military operations right back to antiquity less controversial politically and often technologically driven The final Part takes into consideration emerging perspectives exploring areas such as gender feminist methodology maritime security and the impact of private security on the military profession This book will be of much interest to students of military and security studies foreign policy and International Relations Shooting to Kill Simon Bronitt, Miriam Gani, Saskia Hufnagel, 2012-11-05 The present book brings together perspectives from different disciplinary fields to examine the significant legal moral and political issues which arise in relation to the use of lethal force in both domestic and international law These issues have particular salience in the counter terrorism context following 9 11 which brought with it the spectre of shooting down hijacked airplanes and the use of force in Operation Kratos that led to the tragic shooting of Jean Charles de Menezes Concerns about the use of excessive force however are not confined to the terrorist situation The essays in this collection examine how the state sanctions the use of lethal force in varied ways through the doctrines of public and private self defence and the development of legislation and case law that excuses or justifies the use of lethal force in the course of executing an arrest preventing crime or disorder or protecting private property An important theme is how the domestic and international legal orders intersect and continually influence one another While legal approaches to the use of lethal force share common features the context within which force is deployed varies greatly Key issues explored in this volume are the extent to which domestic and international law authorise pre emptive use of force and how necessity and reasonableness are legally constructed in this context International Investment Law and the Law of Armed Conflict Katia Fach Gómez, Anastasios Gourgourinis, Catharine Titi, 2019-08-05 Assessing the extent to which armed conflict impacts the obligations that states have towards foreign investors and their investments under international investment treaties requires considering a wide range of issues many of which are systemic in nature These include substantive and procedural topics not only with regard to international investment law but also concerning the law on the use of force international humanitarian law and human rights law the law of treaties the law of state responsibility and the law of state succession This volume provides an in depth assessment of the overlap between international investment law and the law of armed conflict by charting the terrain of the multifaceted and complex relationship between these two fields of public international law fostering debate and offering novel perspectives on the matter Public International Law of Cyberspace Kriangsak Kittichaisaree, 2017-02-28 This compact highly engaging book examines the international legal regulation of both the conduct of States among themselves and conduct towards individuals in relation to the use of cyberspace Chapters introduce the perspectives of various stakeholders and the challenges for international law The author discusses State responsibility and key cyberspace rights issues and takes a detailed look at cyber warfare espionage crime and terrorism The work also covers the situation of non State actors and quasi State actors such as IS or ISIS or ISIL and concludes with a consideration of

future prospects for the international law of cyberspace Readers may explore international rules in the areas of jurisdiction of States in cyberspace responsibility of States for cyber activities human rights in the cyber world permissible responses to cyber attacks and more Other topics addressed include the rules of engagement in cyber warfare suppression of cyber crimes permissible limits of cyber espionage and suppression of cyber related terrorism Chapters feature explanations of case law from various jurisdictions against the background of real life cyber related incidents across the globe Written by an internationally recognized practitioner in the field the book objectively guides readers through on going debates on cyber related issues against the background of international law This book is very accessibly written and is an enlightening read It will appeal to a wide audience from international lawyers to students of international law military strategists law enforcement officers policy makers and the lay person

China's and Italy's Participation in Peacekeeping Operations

Andrea de Guttry, Emanuele Sommario, Lijiang Zhu, 2014-04-28 Participation in international peace operations has become a key component of the foreign policy strategy of many countries worldwide Italy and China have been and are currently involved in various efforts to maintain and promote international peace and security including Peacekeeping Operations PKOs This book offers a description of the two countries engagement in international peace operations analyzing it through the lenses of law sociology history and politics The specific experiences of Italy and China provide an excellent opportunity for comparing and contrasting how and why foreign powers intervene in the name of peace At the same time this book focuses on a number of crucial challenges PKOs are currently facing training of personnel ensuring accountability effectively assisting war torn States in their rehabilitation effort and tries to explain how Italy China and other international actors are trying to respond to the many dilemmas and contradictions of postwar peace Contributors include academics from a wide range of disciplines and interests diplomats and practitioners involved in international peace operations

Complicity and its Limits in the Law of International Responsibility Vladyslav Lanovoy, 2016-09-22 This book examines the responsibility of States and international organizations for complicity aid or assistance in an internationally wrongful act Despite the recognition of responsibility for complicity as a rule of customary international law by the International Court of Justice this book argues that the effectiveness and utility of this form of responsibility is fraught with systemic and operational limits These limits include a lack of clarity in its constituent elements its co existence with primary rules prohibiting complicity and the obligations of due diligence its implementation and the underlying causal tests its uncertain relationship to other forms of shared and indirect responsibility and its potential as a form of attribution of conduct This book submits that the content and elements of this form of responsibility need adjustments to respond more effectively to the phenomenon of complicity in international affairs Awarded The Paul Guggenheim Prize in International Law 2017

Normative Pluralism and International Law Jan Klabbers, Touko Piiparinen, 2013-04-22 This book addresses conflicts involving how law relates

normative orders The assumption behind the book is that law no longer automatically claims supremacy but that actors can

pick and choose which code to follow The book covers conflicts between legal orders and conflicts involving law and honor self regulation lex mercatoria local social practices bureaucracy religion professional standards and morality **State Responsibility and New Trends in the Privatization of Warfare** Frauke Renz,2020-03-28 Contracts with private military and security companies are a reality of modern conflicts This discerning book provides nuanced insights into the international legal implications of these contracts and establishes an in depth understanding of the impacts for contracting states home states and territorial states under the current state responsibility regime *Non-International Armed Conflicts in International Law* Yoram Dinstein,2021-03-25 This dispassionate analysis of the legal implications of non international armed conflicts explores the rules regulating the conduct of internal hostilities as well as the consequences of intervention by foreign States the role of the UN Security Council the effects of recognition State responsibility for wrongdoing by both Governments and insurgents the interface with the law of human rights and the notion of war crimes The author addresses both conceptual and specific issues such as the complexities of failing States or the recruitment and use of child soldiers He makes use of the extensive case law of international courts and tribunals in order to identify and set out customary international law Much attention is also given to the contents of available treaty texts This new updated edition takes into account the latest events in terms of the practice of States judicial pronouncements and UN Security Council resolutions

Identifying the Enemy Emily Crawford,2015-07-23 Over the past twenty five years significant changes in the conduct of wars have increasingly placed civilians in traditional military roles employing civilians to execute drone strikes the targeted killing of suspected terrorists the use of private security contractors in combat zones and the spread of cyber attacks Under the laws of armed conflict civilians cannot be targeted unless they take direct part in hostilities Once civilians take action they become targets This book analyses the complex question of how to identify just who those civilians are Identifying the Enemy examines the history of civilian participation in armed conflict and how the law has responded to such action It asks the crucial question what is direct participation in hostilities The book slices through the attempts to untie this Gordian knot and shows that the changing nature of warfare has called into question the very foundation of the civilian military dichotomy that is at the heart of the law of armed conflict **Business and Human Rights** César Rodríguez-Garavito,2017-09-21

Explores the conceptual and legal underpinnings of global governance approaches to business and human rights with an emphasis on the UN Guiding Principles **Environmental Protection and Transitions from Conflict to Peace** Carsten Stahn,Jens Iverson,Jennifer S. Easterday,2017-10-13 This is an open access title available under the terms of a CC BY NC ND 4.0 International licence It is free to read at Oxford Scholarship Online and offered as a free PDF download from OUP and selected open access locations Environmental protection is fundamental for the establishment of sustainable peace Applying traditional legal approaches to protection raises particular challenges during the transition from conflict to peace In the jus post bellum context protection of the environment and natural resources needs to be considered in tandem with a broad

range of simultaneously applicable normative frameworks such as human rights transitional justice arms control disarmament UN law and practice development and domestic law While certain multilateral environment agreements such as the Convention Concerning the Protection of the World Cultural and Natural Heritage protect the environment international humanitarian law and international criminal law continue to treat environmental protection largely from an anthropocentric perspective This book is the first targeted work in the legal literature that investigates environmental challenges in the aftermath of conflict Addressing these challenges it brings together academics policy makers and practitioners from different disciplines to clarify policies and practices of environmental protection and key normative frameworks It draws on experiences and practices in post conflict settings to specify substantive principles and techniques to remedy and prevent harm

Counter-Terrorism Ana María Salinas de Frías, Katja Samuel, Nigel White, 2012-01-19 The responses of governments and international institutions to terrorism raise some of the most controversial issues of the twenty first century In particular attempts to balance the desire to achieve security with the safeguarding of human rights and other aspects of the rule of law have proved to be highly contentious This book is unique not only in terms of its multinational multidisciplinary nature but also due to its truly comprehensive approach It reviews and examines the interrelationship between the four principal elements of the international rule of law framework international human rights humanitarian criminal and refugee asylum law within in which counter terrorism responses should occur It focuses primarily on some of the most pressing emerging and or under researched issues and tensions These include policy choices associated with meeting security imperatives the tensions between the criminal justice or preventive approach to counter terrorism and the military approach the identification of lacunae within existing legal frameworks and tensions between executive judicial and legislative responses These matters are examined at the national regional and international levels The book addresses a wide spectrum of issues including analysis of key legal principles emergency and executive measures radicalization governmental and institutional impunity classification administration and treatment of battlefield detainees the use of lethal force forms of and treatment in detention non refoulement diplomatic assurances interrogation versus torture extraordinary rendition discrimination justice and reparations for victims of terrorist attacks and security responses mis use of military courts commissions and immigration tribunals judicial and institutional developed and emerging rule of law norms on terrorism non judicial oversight by means of democratic accountability and the identification and analysis of best practices including inter regional judicial and other forms of cooperation and developed practices for the handling and use of sensitive information Drawing together an impressive spectrum of legal and non legal national and institutional practitioner policy and academic expertise this book is an essential and comprehensive reference work on counter terrorism policy practice and law making

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