

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

Hin-Yan Liu



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 *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 **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 **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 **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

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