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Yearbook of International Humanitarian Law

2008



Yearbook Of International Humanitarian Law 2008 2008

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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 operations 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 operations military forces as for other military 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 Nations and Associated Personnel and IHL applicable in non international armed conflicts mutually exclusive These dilemmas are well illustrated by the difficulties facing the International Security and Assistance Force ISAF in Afghanistan

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

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 humanitarian law.

The 'Legal Pluriverse' Surrounding Multinational Military Operations Robin Geiß, Heike Krieger, 2019-12-19. The Legal Pluriverse Surrounding Multinational Military Operations conceptualizes and examines the Pluriverse, the multiplicity of rules that apply to and regulate contemporary multinational missions and the array of actors involved. These operations are further complicated by changes to the classification of the conflict and the asymmetry of obligations on participants. Structured into five parts, this work seeks through the diversity of its authorship to set out the web of legal regimes applicable to military operations including forces from more than one state. It maps out the ways in which different regimes interact, beginning with the laws of armed conflict and their relation to international humanitarian and human rights norms and extending through to areas like law of the sea and environmental law. A variety of contributors systematically compile and take stock of the various legal regimes that make up the pluriverse, assessing how these rules interact, exposing norm conflicts, areas of legal uncertainty or protective loopholes. In this way, they identify and evaluate approaches to better streamline the different applicable legal frameworks with a view to enhancing cooperation and thereby ensuring the long-term success of multinational military operations.

The Global Community Yearbook of International Law and Jurisprudence 2009 Volume I Giuliana Ziccardi Capaldo, 2010-10-22. a) The set generally. Please note that the following description applies to both volumes in the 2009 Yearbook, not solely to Volume I. The Global Community Yearbook is a one-stop resource for all researchers studying international law generally or international criminal tribunals specifically. The Global Community Yearbook appears annually in two volume editions of carefully chosen primary source material and corresponding expert commentary. The general editor, Professor Giuliana Ziccardi Capaldo, employs her vast expertise in international law to select excerpts from important court opinions and also to choose experts from around the world who contribute essay guides to illuminate those cases. Although the main focus is recent case law from the major international tribunals and regional courts, the first volume of each year's edition always features expert articles by renowned scholars who address broader themes in international law, themes that appear throughout the case law of the many courts covered by the series as a whole. b) This particular edition, 2009. This year's edition of the Global Community Yearbook is restructured to update its format and to better respond to its objective. The change affects the section entitled Decisions of International

Courts and Tribunals all other sections will remain the same This section divided into twelve sub Sections presents annually the more significant international case law in the form of legal maxims systematically collected The elaboration of legal maxims extracted from the courts decisions and their systematic classification makes this year s edition of the Yearbook unique International courts and tribunals have developed remarkably in recent years and it is becoming increasingly difficult to follow the case law emanating from those jurisdictions without the help of an intermediary The Yearbook and its unique changes fill this gap by serving as an intermediary between the case law and international scholars practitioners and students In previous issues of the Yearbook these legal maxims were prepared by referring both to the law and often extensively to the specific facts of the case In the new format the legal maxims will now distil the most important elements of judicial decisions and rely less heavily on the facts The text of the legal maxims has been reduced to the minimum necessary for systematic classification printing the website links for the case law An introductory note on each international tribunal or court continues to be provided as a synopsis of their activity over the year This reduction of the text of legal maxims better responds to the goals of the Yearbook to serve as a mediator and to provide complete coverage of case law from international courts and tribunals c Individual volumes The first volume of the 2009 edition of Global Community Yearbook presents three categories of material wholly beneficial to any international law researcher International tribunals court opinions excerpted with scholarly skill by General Editor Giuliana Ziccardi Capaldo expert guidance on those cases in the form of commentary by globally recognized luminaries whom Ziccardi has chosen personally and more broadly focused introductory essays by similarly prominent scholars whom Ziccardi has also selected for that purpose In the introductory essays those scholars take on the current controversial topics of the case against criminalizing hate speech the global importance of human rights for environmental protection the evolution of international environmental law and the politics of global powers Those incisive and knowledgeable introductory articles help frame the debates currently raging in international law before this volume leads the reader on to expert commentary on the noteworthy cases from this past year s dockets of the following tribunals The International Court of Justice The WTO Dispute Resolution System The International Criminal Court International Criminal Tribunal for the Former Yugoslavia International Criminal Tribunal for Rwanda Ziccardi has arranged the sections of this volume according to that list of tribunals and she has included a short targeted index for each of those sections making any research in this volume efficient and fruitful Volume 2 This second volume of the 2009 edition of Global Community Yearbook gives researchers an illuminating tour through the varied and dynamic law of regional and organizational courts In the court opinion excerpts and expert commentary that fill this volume researchers will find detailed guidance on a rich diversity of legal topics from whether the European Court of Human Rights is effective as the centerpiece of the European human rights protection system to the jurisdictional challenges by respondent States under applicable investment agreements On these questions and a host of others this volume provides to students scholars and practitioners

alike a valuable combination of expert discussion and direct quotes from the court opinions to which that discussion relates
 The courts covered by this particular volume are The Court of First Instance of the European Communities The Court of
 Justice of the European Communities The European Court of Human Rights Inter American Court of Human Rights
 International Centre for the Settlement of Investment Disputes **ISIL Year Book of International Humanitarian and
 Refugee Law** Indian Society of International Law,2008 *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 **Yearbook** International Court of
 Justice,2014 **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

How Does Law Protect in War? Marco Sassòli,Antoine A. Bouvier,Anne Quintin,2011 **German Yearbook of International Law** ,2009

The Palestine Yearbook of International Law ,2009 [Yearbook of International Humanitarian Law, Volume 23 \(2020\)](#)

Terry D. Gill,Robin Geiß,Heike Krieger,Rebecca Mignot-Mahdavi,2022-02-02 This volume of the Yearbook of International Humanitarian Law takes a close look at the role of so called expert manuals in the interpretation and development of the international law of armed conflict and connected branches of international law relating to military operations While these manuals can and do play an undoubtedly useful role their proliferation raises a number of questions What degree of authority do they have and how much weight should be given to the views expressed in them What is the methodology they employ and how effective is it in ensuring an as objective and impartial interpretation of the law as possible What is their place in the doctrine of sources While there is already a considerable body of literature addressing these and other relevant questions this volume aims to contribute further to this discussion with contributions by three experts involved in one or more of these manuals in one capacity or another Alongside these three contributions on this year s special theme the second part of the book comprises three chapters that address timely and relevant issues of International Humanitarian Law These range from starvation as a method of warfare to emerging technologies of warfare and also includes reflections on humanitarian assistance Lastly the volume concludes with the Year in Review describing the most important armed conflict related events and legal developments that took place in 2020 The Yearbook of International Humanitarian Law is a leading annual publication devoted to the study of international humanitarian law It provides a truly international forum for high quality peer reviewed academic articles focusing on this crucial branch of international law Distinguished by contemporary relevance the Yearbook of International Humanitarian Law bridges the gap between theory and practice and serves as a useful reference tool for scholars practitioners military personnel civil servants diplomats human rights workers and students

Yearbook of International Humanitarian Law, Volume 20, 2017 Terry D. Gill, Tim McCormack, Robin Geiß, Heike Krieger, Christophe Paulussen, 2018-12-20 The main theme of this volume of the Yearbook of International Humanitarian Law is the development and interpretation of international humanitarian law (IHL). It is elaborated upon in several chapters that examine the role of non-state armed groups in the development and interpretation of IHL, the impact of international criminal law on the development of IHL, the notion of external non-international armed conflicts and the regulation of prolonged occupation under international law. The second theme of this volume is dedicated to targeting in armed conflicts. Specific topics include precautions in attack in urban and siege warfare, the targeting of the Islamic State's religious personnel in Iraq and Syria and the targeting of illicit crops through aerial spraying in Colombia. Besides the chapters that address both themes, this volume also contains a Year in Review describing the most important events and legal developments that took place in 2017. The Yearbook of International Humanitarian Law is the world's only annual publication devoted to the study of the laws governing armed conflict. It provides a truly international forum for high quality peer-reviewed academic articles focusing on this crucial branch of international law. Distinguished by contemporary relevance, the Yearbook of International Humanitarian Law bridges the gap between theory and practice and serves as a useful reference tool for scholars, practitioners, military personnel, civil servants, diplomats, human rights workers and students.

Yearbook of International Organizations, 2011 Beginning in 1983-84 published in 3 vols with expansion to 6 vols by 2007: 2008 vol 1 Organization descriptions and cross references; vol 2 Geographic volume: international organization participation; vol 3 Subject volume; vol 4 Bibliography and resources; vol 5 Statistics, visualizations and patterns; vol 6 Who's who in international organizations. From year to year, some slight variations in naming of the volumes.

Yearbook of International Humanitarian Law 2011 - Volume 14 Michael N. Schmitt, Louise Arimatsu, 2012-07-26 The Yearbook of International Humanitarian Law is the world's only annual publication devoted to the study of the laws governing armed conflict. It provides a truly international forum for high quality peer-reviewed academic articles focusing on this crucial branch of international law. Distinguished by contemporary relevance, the Yearbook of International Humanitarian Law bridges the gap between theory and practice and serves as a useful reference tool for scholars, practitioners, military personnel, civil servants, diplomats, human rights workers and students.

Yearbook of International Humanitarian Law, Volume 21 (2018) Terry D. Gill, Robin Geiß, Heike Krieger, Christophe Paulussen, 2019-10-31 The main theme of this volume of the Yearbook of International Humanitarian Law is weapons law. In several chapters, how International Humanitarian Law (IHL) copes with old and new weapons as well as political developments in regard to military technology is discussed, while in two chapters, the significance of non or less lethal weapons in peacekeeping and law enforcement operations as well as the legality of lethal autonomous weapon systems under IHL are analysed. Moreover, the volume describes the current status of nuclear deterrence under international law. Another layer is added by examining how IHL influences the programming of automatic target recognition systems using artificial intelligence. The

second part of the book contains a historic perspective on the roots of IHL in Europe which can be traced back to the ninth century as well as a Year in Review describing the most important events and legal developments in the area of IHL that took place in 2018 The Yearbook of International Humanitarian Law is the world's only annual publication devoted to the study of the laws governing armed conflict It provides a truly international forum for high quality peer reviewed academic articles focusing on this crucial branch of international law Distinguished by contemporary relevance the Yearbook of International Humanitarian Law bridges the gap between theory and practice and serves as a useful reference tool for scholars practitioners military personnel civil servants diplomats human rights workers and students

Yearbook of the International Law Commission United Nations. International Law Commission, 2008 **Bibliographie Mensuelle** United Nations Library (Geneva, Switzerland), 2010 **Yearbook of International Humanitarian Law Set T.** McCormack, A. McDonald, 2008-03

Unveiling the Magic of Words: A Review of "**Yearbook Of International Humanitarian Law 2008 2008**"

In some sort of defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their capability to kindle emotions, provoke contemplation, and ignite transformative change is really awe-inspiring. Enter the realm of "**Yearbook Of International Humanitarian Law 2008 2008**," a mesmerizing literary masterpiece penned by a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve in to the book is central themes, examine its distinctive writing style, and assess its profound affect the souls of its readers.

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