

War, Conflict and Human Rights

Theory and practice

Second Edition

**Chandra Lekha Sriram,
Olga Martin-Ortega and
Johanna Herman**



War Conflict And Human Rights Theory And Practice

Eleanor Gordon



War Conflict And Human Rights Theory And Practice:

War, Conflict and Human Rights Chandra Lekha Sriram, Olga Martin-Ortega, Johanna Herman, 2014-01-16 War Conflict and Human Rights is an innovative interdisciplinary textbook combining aspects of law politics and conflict analysis to examine the relationship between human rights and armed conflict This second edition has been revised and updated making use of both theoretical and practical approaches Over the course of the book the authors examine the tensions and complementarities between protection of human rights and resolution of conflict including the competing political demands and the challenges posed by internal armed conflict analyse the different obligations and legal regimes applicable to state and non state actors including non state armed groups corporations and private military and security companies explore the scope and effects of human rights violations in contemporary armed conflicts such as those in Sierra Leone Sudan the Democratic Republic of Congo and the former Yugoslavia and implications for the Arab Spring 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 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 and international relations generally

Routledge Companion to Peace and Conflict Studies Sean Byrne, Thomas Matyók, Imani Michelle Scott, Jessica Senehi, 2019-07-24 This Companion examines contemporary challenges in Peace and Conflict Studies PACS and offers practical solutions to these problems Bringing together chapters from new and established global scholars the volume explores and critiques the foundations of Peace and Conflict Studies in an effort to advance the discipline in light of contemporary local and global actors The book examines the following eight specific components of Peace and Conflict Studies Peace and conflict studies praxis Structure agency tension as it relates to social justice nonviolence and relationship building Gender masculinity and sexuality The role of partnerships and allies in racial ethnic and religious peacebuilding Culture and identity Critical and emancipatory peacebuilding International conflict transformation and peacebuilding Global responses to conflict It argues that new critical and emancipatory peacebuilding and conflict transformation strategies are needed to address the complex cultural economic political and social conflicts of the 21st century This book will be of much interest to students of peace and conflict studies peace studies conflict resolution transitional justice reconciliation studies social justice studies and international relations

Occupation and Control in International Humanitarian Law Natia Kalandarishvili-Mueller, 2020-07-28 This book presents a systematic analysis of the notion of control in the law of military occupation The work demonstrates that in present day occupations control as such occurs in different forms and variations The polymorphic features of occupation can be seen in the way states establish control over territory either directly or

indirectly and in the manner in which they retain relinquish or regain it The question as to what level and type of control is needed to determine the existence and ending of military occupation is explored in great detail in light of various international humanitarian law instruments The book provides an anatomy of the required tests of control in determining the existence of military occupation based on the law It also discusses control in relation to occupation by proxy and when and how the end of control over territory occurs so that military occupation is considered terminated The study is informed by relevant international jurisprudence It draws on numerous pertinent case studies from all over the world various reports by different UN entities and other international organisations as well as legal doctrine The book will be a valuable resource for academics researchers and practitioners working in the fields of international humanitarian law international public law and security studies

The Asian Yearbook of Human Rights and Humanitarian Law Javaid Rehman,Ayesha Shahid,Steve Foster,2022-09-19 The Asian Yearbook of Human Rights and Humanitarian Law aims to publish peer reviewed scholarly articles and reviews as well as significant developments in human rights and humanitarian law It examines international human rights and humanitarian law with a global reach though its particular focus is on the Asian region The focused theme of Volume 6 is Essays in Honour of Professor Shaheen Sardar Ali

Conflict, Security and Justice Eleanor Gordon,2019-04-26 This path breaking new textbook provides a broad overview of the core concepts actors and activities involved in building security and justice after conflict as well as challenges and lessons learned in this field Drawing attention to the principles which guide or should guide this kind of work as well as using practical examples throughout the book covers a uniquely wide range of issues in peacebuilding from transitional justice and disarmament to security sector reform and human rights It concludes by considering both the regional and more far reaching impacts of conflict including such global phenomena as terrorism piracy and organised crime With a decade of experience working in post conflict zones for the UN and other organisations and a further 10 years in academia and as a consultant for various international organisations the author s unparalleled expertise on the topic and her accessible writing style make this book the essential guide to postgraduate and upper level undergraduate courses on peace and conflict studies The text is also important supplemental reading for those studying war peace development security or IR in a wider context and for practitioners and policy makers in the field of peacebuilding

The Palgrave Encyclopedia of Global Security Studies ,2023-02-15 This encyclopedia provides an authoritative guide intended for students of all levels of studies offering multidisciplinary insight and analysis of over 500 headwords covering the main concepts of Security and Non traditional Security and their relation to other scholarly fields and aspects of real world issues in the contemporary geopolitical world

Palgrave Advances in Peacebuilding O. Richmond,2010-01-20 The quality of the peace arrived at via liberal peacebuilding approaches has been poor The related statebuilding praxis has generally been unable to respond to its critics What is at stake is a recognition of peacebuilding s everyday political social economic and cultural dynamics This indicates the emergence of a post liberal form of peace

Managing Security Laura R. Cleary, Roger Darby, 2021-11-28 This textbook is designed to be used by those tackling the complex and challenging issues of security sector reform SSR The questions of What is security and How can governments deliver it in the most efficient and effective manner are central to this volume The text explores the ways in which security might be achieved providing readers with the guiding principles of governance and management Principles are illustrated through reference to the experiences of countries engaged in reform of their security institutions allowing the reader to identify continuities and discontinuities in the process of change within the security sector Written by practitioners for practitioners the book provides readers with a framework with which to assess and respond to first second and third generation issues within SSR All chapters include an introduction to the topic empirical case studies and exercises to encourage readers to reflect upon their own experiences of governing and managing security This book will be of much interest to students of security studies defence management and defence policy as well as to practitioners in the field of security management

Status and Treatment of Deserters in International Armed Conflicts Heike Niebergall-Lackner, 2016-02-02 In this study Heike Niebergall Lackner discusses the classical military offence of desertion from the standpoint of international law Taking account of the three factual situations that might arise following a desertion in international armed conflicts capture by the home country capture or crossing over to the enemy party and seeking refuge in a country not involved in the conflict the examination offers a comprehensive overview of the treatment and the protection afforded to deserters under international human rights law international humanitarian law and refugee law The examination is conducted against the background of the duties of soldiers under modern international law and shows that depending on the legality of the conflict desertion might represent the legitimate decision of the individual to act in accordance with these duties

East Asia's Renewed Respect for the Rule of Law in the 21st Century Setsuo Miyazawa, Weidong Ji, Hiroshi Fukurai, Kay-Wah Chan, Matthias Vanhullebusch, 2015-03-20 This volume showcases the most recent research on the future of the legal and judicial landscape in East Asia and its renewed respect for the rule of law in the 21st century The book features research on emerging judicial stratifications in the legal profession war crimes and their legacies in the post colonial era citizens participation in the justice system gender law legal culture and profession as well as environmental justice

Trials and Tribulations of International Prosecution Henry F. Carey, Stacey M. Mitchell, 2013-02-14 There have been many political dilemmas that impose structural constraints on the effort to legalize judicialize and criminalize normatively deviant behavior in international politics The annual costs of these tribunals has peaked at approximately 400 million of which 140 million is allocated to the ICC the latter now having spent 1 billion in its first decade of existence What has been the track record of these international criminal courts with jurisdiction to try heads of states and leading official and military officers Has the domestic political will of states increased to prosecute their own leaders following the ICC's complimentary jurisdiction How have powerful states supported these courts and how have they undermined them In succeeding in punishing a number of

high profile cases the tribunals arguably constitute what Habermas called communicative action that expresses the aspirations and nascent norms of international society Beyond the confines of a specific of international cooperation these courts are increasingly becoming norm entrepreneurs defining the norms of coexistence among states such that internal atrocities are seen not only as international crimes but threats to the stability and order of international society These courts are also redefining the attributes of what states must practice to preserve their reputations a breach of which will prove increasingly costly The tribunals are increasingly incentivizing and mobilizing informational networks from NGOs IGOs and states to document and publicize violations of international criminal law thereby increasing exposure risks of perpetration To be sure the patchwork of compliance and norm communication is fraught with double standards hypocrisy selective enforcement and neoimperial delegitimation of the subaltern Still what has begun as institutions created in the absence of humanitarian action by the powerful may come to constitute normal state attributes similar to sovereignty whose violation will be seen as not only illegitimate but also meriting humanitarian action to correct and punish such behavior The question remains whether ongoing impunity of both the powerful and the powerless will undermine or limit this potential

Conflict in the Nuba Mountains Samuel Totten, Amanda Grzyb, 2014-11-20 This book provides a comprehensive overview of the embattled Nuba Mountains of South Kordofan where the Government of Sudan committed genocide by attrition in the early 1990s and where violent conflict reignited again in 2011 A range of contributors scholars journalists and activists trace the genesis of the crisis from colonial era neglect to institutionalized insecurity emphasizing the failure of the 2005 Comprehensive Peace Agreement to address the political and social concerns of the Nuba people This volume is essential reading for anyone who wants to understand the nuances of the contemporary crisis in the Nuba Mountains and explore its potential solutions

The SAGE Encyclopedia of Intercultural Competence Janet M. Bennett, 2015-03-23 In 1980 SAGE published Geert Hofstede's *Culture's Consequences* It opens with a quote from Blaise Pascal There are truths on this side of the Pyrenees that are falsehoods on the other The book became a classic one of the most cited sources in the Social Science Citation Index and subsequently appeared in a second edition in 2001 This new SAGE Encyclopedia of Intercultural Competence picks up on themes explored in that book Cultural competence refers to the set of attitudes practices and policies that enables a person or agency to work well with people from differing cultural groups Other related terms include cultural sensitivity transcultural skills diversity competence and multicultural expertise What defines a culture What barriers might block successful communication between individuals or agencies of differing cultures How can those barriers be understood and navigated to enhance intercultural communication and understanding These questions and more are explained within the pages of this new reference work

Key Features 300 to 350 entries organized in A to Z fashion in two volumes Signed entries that conclude with Cross References and Suggestions for Further Readings Thematic Reader's Guide in the front matter grouping related entries by broad topic areas Chronology that provides a historical perspective of the

development of cultural competence as a discrete field of study Resources appendix and a comprehensive Index The SAGE Encyclopedia of Intercultural Competence is an authoritative and rigorous source on intercultural competence and related issues making it a must have reference for all academic libraries *International Criminal Law, Transnational Criminal Organizations and Transitional Justice* Héctor Olásolo, 2018-08-07 Parties negotiating the end of authoritarian regimes or armed conflicts are almost inevitably left in a situation of legal uncertainty Despite their overlapping scope of application the differences between the approaches of International Criminal Law ICL and Transitional Justice TJ are so profound that unless dogmatism is left aside and a process of dialogue is entered into it will not be possible to harmonize the current legal regime of international crimes with the need to articulate transitional processes that are capable of effectively overcoming authoritarian regimes and armed conflicts The serious material limitations shown by national international and hybrid ICL enforcement mechanisms should be acknowledged and the goals pursued by ICL should be redefined accordingly A minimum level of consensus on the scope of application goals and elements of TJ should also be reached Situations of systematic or large scale violence against the civilian population by transnational criminal organizations increase the challenge

Modern Genocide Paul R. Bartrop, Steven Leonard Jacobs, 2014-12-17 This massive four volume work provides students with a close examination of 10 modern genocides enhanced by documents and introductions that provide additional historical and contemporary context for learning about and understanding these tragic events Modern Genocide The Definitive Resource and Document Collection spans nearly 1 700 pages presented in four volumes and includes more than 120 primary source documents making it ideal for high school and beginning college students studying modern genocide as part of a larger world history curriculum The coverage for each modern genocide from Herero to Darfur begins with an introductory essay that helps students conceptualize the conflict within an international context and enables them to better understand the complex role genocide has played in the modern world There are hundreds of entries on atrocities organizations individuals and other aspects of genocide each written to serve as a springboard to meaningful discussion and further research The coverage of each genocide includes an introductory overview an explanation of the causes consequences perpetrators victims and bystanders the international reaction a timeline of events an Analyze section that poses tough questions for readers to consider and provides scholarly pro and con responses to these historical conundrums and reference entries This integrated examination of genocides occurring in the modern era not only presents an unprecedented research tool on the subject but also challenges the readers to go back and examine other events historically and consequently consider important questions about human society in the present and the future *Ethnic Cleansing* Clotilde Pegorier, 2013-04-12 This book confronts the problem of the legal uncertainty surrounding the definition and classification of ethnic cleansing exploring whether the use of the term ethnic cleansing constitutes a valuable contribution to legal understanding and praxis The premise underlying this book is that acts of ethnic cleansing are first and foremost a criminal

issue and must therefore be precisely placed within the context of the international law order. In particular it addresses the question of the specificity of the act and its relation to existing categories of international crime exploring the relationship between ethnic cleansing and genocide but also extending to war crimes and crimes against humanity. The book goes on to show how the current understanding of ethnic cleansing singularly fails to provide an efficient instrument for identification and argues that the act in having its own distinctive characteristics conditions and exigencies ought to be granted its own classification as a specific independent crime. *Ethnic Cleansing: A Legal Qualification* will be of particular interest to students and scholars of International Law and Political Science. *Hybrid Tribunals* Aaron Fichtelberg, 2015-06-09

This book examines hybrid tribunals created in Sierra Leone, Kosovo, Cambodia, East Timor and Lebanon in terms of their origins, the political and social forces that led to their creation, the legal regimes that they used, their various institutional structures and the challenges that they faced during their operations. Through this study, the author looks at both their successes and their shortcomings and presents recommendations for the formation of future hybrid tribunals. Hybrid tribunals are a form of the international justice where the judicial responsibility is shared between the international community and the local state where they function. These tribunals represent an important bridge between traditional international courts like the International Criminal Court (ICC), the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and various local justice systems. Because hybrid tribunals are developed in response to large scale atrocities, these courts are properly considered part of the international criminal justice system. This feature gives hybrid tribunals the accountability and legitimacy often lost in local justice systems; however, by including regional courtroom procedures and personnel, they are integrated into the local justice system in a way that allows a society to deal with its criminals on its own terms, at least in part. This unique volume combines historical and legal analyses of these hybrid tribunals, placing them within a larger historical, political and legal context. It will be of interest to researchers in Criminal Justice, International Studies, International Law and related fields. *Transitional Justice in Nepal* Yvette Selim, 2018-06-27

The conflict in Nepal, 1996-2006, resulted in an estimated 15,000 deaths, 1,300 disappearances along with other serious human rights and humanitarian law violations. Demands for peace, democracy, accountability and development have abounded in the post-conflict context. Although the conflict catalysed major changes in the social and political landscape in Nepal, the transitional justice (TJ) process has remained deeply contentious and fragmented. This book provides an in-depth analysis of the transitional justice process in Nepal. Drawing on interviews with a diverse range of stakeholders including victims, ex-combatants, community members, human rights advocates, journalists and representatives from diplomatic missions, international organisations and the donor community, it reveals the differing viewpoints, knowledge, attitudes and preferences about TJ and other post-conflict issues in Nepal. The author develops an actor typology and an action spectrum which can be used in Nepal and other post-conflict contexts. The actor typology identifies four main groups of TJ actors: experts, brokers,

implementers and victims and highlights who is making claims and on behalf of whom The action spectrum based on contentious politics literature and resistance literature demonstrates the strategies actors use to shape the TJ process This book argues that the potential of TJ lies in these dynamics of contention It is by letting these dynamics play out that different conceptualisations of TJ can arise While doing so may lead to practical challenges and produce situations that are normatively undesirable for some actors particularly when certain political parties and national actors seem to hijack TJ remaining steadfast to the dominant TJ paradigm is also undesirable As the first book to provide a single case study on TJ in Nepal it makes theoretical and empirical contributions to TJ research in Nepal and the Asia Pacific more broadly the politics versus justice binary and the concept of victimhood among others It will be of interest to a wide range of scholars in the study of transitional justice peace and conflict studies human rights sociology political science criminology law anthropology and South Asian Studies as well as policy makers and NGOs

Bosnian Genocide Paul R. Bartrop, 2016-01-18 Providing an indispensable resource for students and policy makers investigating the Bosnian catastrophes of the 1990s this book provides a comprehensive survey of the leaders ideas movements and events pertaining to one of the most devastating conflicts of contemporary times In the three years of the Bosnian War well over 100 000 people lost their lives amid intense carnage This led to unprecedented criminal prosecutions for genocide war crimes and crimes against humanity that are still taking place today Bosnian Genocide The Essential Reference Guide is the first encyclopedic treatment of the Balkan conflicts of the period from 1991 to 1999 It provides broad coverage of the nearly decade long conflict but with a major focus on the Bosnian War of 1992 1995 The book examines a variety of perspectives of the conflicts relating to Slovenia Croatia Bosnia Herzegovina Serbia and Kosovo among other developments that took place during the years spotlighted The entries consider not only the leaders ideas movements and events relating to the Bosnian War of 1992 1995 but also examine themes from before the war and after it As such coverage continues through to the Kosovo Intervention of 1999 arguing that this event too was part of the conflict that purportedly ended in 1995 This work will serve university students undertaking the study of genocide in the modern world and readers interested in modern wars international crisis management and peacekeeping and peacemaking

Legacies of the International Criminal Tribunal for the Former Yugoslavia Carsten Stahn, Carmel Agius, Serge Brammertz, Colleen Rohan, 2020-06-10 The International Criminal Tribunal for the former Yugoslavia ICTY is one the pioneering experiments in international criminal justice It has left a rich legal institutional and non judicial legacy This edited collection provides a broad perspective on the contribution of the tribunal to law memory and justice It explores some of the accomplishments challenges and critiques of the ICTY including its less visible legacies The book analyses different sites of legacy the expressive function of the tribunal its contribution to the framing of facts events and narratives of the conflict in the former Yugoslavia and investigative and experiential legacies It also explores lesser known aspects of legal practice such as defence investigative ethics judgment drafting contempt cases against journalists interpretation and

translation outreach approaches to punishment and sentencing the tribunals impact on domestic legal systems and ongoing debates over impact and societal reception The volume combines voices from inside the tribunal with external perspectives to elaborate the rich history of the ICTY which continues to be written to this day

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