

# Yearbook Of International Humanitarian Law 2008

## 2008

International Humanitarian Law International Humanitarian Law and International Human Rights Law International Humanitarian Law Searching for a 'Principle of Humanity' in International Humanitarian Law The Handbook of International Humanitarian Law The Oxford Guide to International Humanitarian Law The Development and Principles of International Humanitarian Law Development and Principles of International Humanitarian Law The Handbook of International Humanitarian Law How Does Law Protect in War? International Humanitarian Law Armed Conflict and Human Rights Law International Humanitarian Law and the International Red Cross and Red Crescent Movement International Humanitarian Law International Humanitarian Law Ensuring Respect for International Humanitarian Law Non-Binding Norms in International Humanitarian Law International Humanitarian Law: Origins, Challenges, Prospects (3 Vols) The Concept of Non-International Armed Conflict in International Humanitarian Law Armed Conflict and International Law: In Search of the Human Face Dr U C Jha Orna Ben-Naftali Marco Sassòli Kjetil Mujezinović Larsen Dieter Fleck Ben Saul Michael N. Schmitt Jean Simon Pictet Dieter Fleck Marco Sassòli Mohammad Naqib Ishan Jan Daniel Ivo Odon Aldo Zammit Borda Emily Crawford Marco Sassòli Eve Massingham Emily Crawford John Carey Anthony Cullen Mariëlle Matthee

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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

this collection of essays examines the complex relationship of international human rights and humanitarian law how can human rights be implemented on the battlefield how do the legal regimes interact in new situations of armed conflict the volume concludes by exploring the potential for fusing the two regimes into a new legal paradigm

in this thoroughly updated second edition of what has quickly become the definitive text in the field of international humanitarian law ihl leading expert marco sassòli evaluates the application of ihl the way in which hostilities should be conducted against an adversary and the pertinence of traditional distinctions such as that between international

and non international armed conflicts

the legal norms of international humanitarian law ihl are the product of a compromise between humanitarian considerations and the demands of military necessity in searching for a principle of humanity in international humanitarian law international legal scholars consider whether humanitarian considerations have an independent legal impact on ihl beyond the formation of these norms they ask whether a principle of humanity can be said to have legal force in its own right moreover the book investigates whether regional or national differences are emerging regarding the import and emphasis placed on humanitarian considerations for instance do states which are not directly affected by armed conflict attach a greater weight to humanitarian considerations when interpreting and applying ihl than those states which are more directly involved in armed conflicts specifically this book examines whether a particular nordic perspective can be identified owing to those states involvement in armed conflicts outside their own territories in the post second world war era

this fully updated third edition of the handbook of international humanitarian law sets out an international manual of humanitarian law accompanied by case analysis and extensive explanatory commentary by a team of distinguished and internationally renowned experts the new edition takes account of recent developments in the law including the 2010 amendments to the icc statute the progressive evolution of customary law and new jurisprudence from national and international courts and tribunals it sheds light on controversial topics like direct participation in hostilities air and missile warfare belligerent occupation operational detention and the protection of the environment in armed conflict the book also addresses the growing need to consider the interface between international humanitarian law and human rights as well as other branches of international law both during armed conflicts and in post conflict situations the commentary both deepens reflection on such innovations and critically reconsiders views expressed in earlier editions to provide a contemporary analysis of this changing field renowned international lawyers offer a broad spectrum of legal opinions restating the law in this area which is applicable worldwide particular attention is paid to problems of application of the law in recent military campaigns which are assessed and interpreted in a practice oriented manner based on best practice rules of global

importance this book gives invaluable guidance to practitioners and scholars of this important body of law

international humanitarian law is the law that governs the conduct of participants during armed conflict this branch of law aims to regulate the means and methods of warfare as well as to provide protections to those who do not or who no longer take part in the hostilities it is one of the oldest branches of international law and one of enduring relevance today the oxford guide to international humanitarian law provides a practical yet sophisticated overview of this important area of law written by a stellar line up of contributors drawn from those who not only have extensive practical experience but who are also regarded as leading scholars of the subject the text offers a comprehensive and authoritative exposition of the field the guide provides professionals and advanced students with information and analysis of sufficient depth to enable them to perform their tasks with understanding and confidence each chapter illuminates how the law applies in practice but does not shy away from the important conceptual issues that underpin how the law has developed it will serve as a first port of call and a regular reference work for those interested in international humanitarian law

the essays selected for the first part of this volume offer an insight into the development as distinguished from the history of international humanitarian law the focus of the majority of the works reprinted here is on an analysis of the adequacy of the law as it stood at the time of the respective publication and in the light of existing contemporary armed conflicts and military operations thus the reader is afforded an in depth look at the early roots of international humanitarian law the continuing relevance of that body of law despite advances in weapons technology and the efforts to progressively develop it international humanitarian law s development cannot be considered in isolation from its principles the essays selected for the second part of the volume deal with the two fundamental principles underlying all of international humanitarian law humanity and military necessity the articles on the principles of humanity include reflections on the famous martens clause and the analyses of military necessity take no account of *kriegsraison* moreover they offer proof of the customary character of the principle of distinction in land air and naval warfare

the main aim of this book is to inquire into the system of norms regulating the internationalization of internal conflicts the traditional distinction between international internal conflict which entails different legal consequences is in practice very difficult to detect due to the presence in many instances of elements typical of both situations through a careful extraordinarily useful examination of all relevant cases of internationalized internal conflict since 1956 the validity of the traditional framework of rules concerning foreign intervention in internal conflict is reassessed at the same time the applicability to these situations of the rules typical of international conflicts are analyzed with a view to providing the existence of a continuum between the two situations not only as a matter of fact but also with respect to their legal regulation

the handbook of international humanitarian law sets out a black letter text of international humanitarian law accompanied by case analysis and extensive explanatory commentary by a team of distinguished and internationally renowned experts this is the fourth edition of this influential and comprehensive handbook it has been extensively updated and revised taking into account recent legal developments such as the 2017 nuclear weapons prohibition treaty as well as the ongoing debate on many old and new issues areas covered by the book include the notion of direct participation in hostilities air and missile warfare military operations in outer space military cyber operations belligerent occupation operational detention and the protection of the environment in relation to armed conflict the continuing need to consider borderline issues of the law of armed conflict as well as the interplay of international humanitarian law human rights law and other branches of international law is highlighted this handbook provides an in depth understanding of the development and current problems of the law of armed conflicts it considers legal and policy issues both from the views of academics and military and diplomatic practitioners finally and most importantly it offers a complete account of activities that should be taken to improve the implementation and enforcement of international humanitarian law

this book is written not because of any foreseen break of armed conflict but armed conflict is an inevitable phenomenon in human and international relations since despite the united nations charter prohibition on the use of force in international relations war still exist hence there is need to have law that regulates conduct in time of armed

conflict international humanitarian law ihl being the law of armed conflict has to be disseminated to the entire society through a comprehensive medium that everyone can understand and appreciate

this book explores developments in international law regarding the relationship between human rights law and international humanitarian law and their coapplicability in armed conflict situations the work examines the jurisprudence of the international human rights courts and looks at the inter american and european courts of human rights case law in dealing with new emergencies in armed conflicts it argues that a new interpretation and application of the law is required to deal with current needs while remaining faithful to moral commitments made in the international arena in this way the book deals with recent cases and their rationale to build a new understanding of law and international policy that complies with the globalization process and progress towards an enhancement of the international community s legal framework combining the emergencies in armed conflicts with the mutual enforcement of human rights law and humanitarian law this book holistically develops concepts and theories to present a pragmatic solution to moral quandaries over the targeting of civilians during armed conflict situations the book will be a valuable resource for academics researchers and policy makers in the areas of international human rights and international humanitarian law

this book provides a key reference on the role of the commonwealth and its member states in relation to international humanitarian law ihl it provides insights in the implementation of ihl in commonwealth states and particularly the challenges faced by small states it examines the progressive development of ihl in the commonwealth and provides an analysis of some of the landmark decisions emerging from the special court for sierra leone the book was developed collaboratively between the commonwealth secretariat and the international red cross and red crescent movement in this regard it contains insights in the work of the secretariat with regard to implementation of ihl and an assessment of legislation enacted by commonwealth states as well as an accession chart to ihl instruments it expounds on the work of the movement including the role of national societies the international humanitarian fact finding commission and the development of international disaster response law rules and regulation this book was

based on a special issue of commonwealth law bulletin

now in its third edition this textbook provides an accessible and up to date examination of international humanitarian law with relevant cases examples and discussion questions it offers students and teachers a comprehensive and logical discussion and analysis of the law and the developing trends in theory and practice of the law

in this thoroughly updated second edition of what has quickly become the definitive text in the field of international humanitarian law ihl leading expert marco sassòli evaluates the application of ihl the way in which hostilities should be conducted against an adversary and the pertinence of traditional distinctions such as that between international and non international armed conflicts or civilians and combatants drawing on the author's practical experience to provide unique and invaluable insights the second edition discusses the rules protecting certain categories of persons including prisoners of war as well as governing different types of conduct of hostilities and the difficulties in determining whether a destruction was unlawful significantly the edition takes the armed conflict between russia and ukraine into account discussing what remains of neutrality defending the strict separation between the prohibition of aggression and the humanitarian rules to be respected by both sides which must however be nuanced in the field of naval warfare new sections explore ihl in relation to persons with disabilities sieges and humanitarian corridors the role of the media ihl in outer space and the concept of meaningful human control over lethal autonomous weapons systems structured in a clear and accessible manner this new edition is essential reading for all students and scholars of international humanitarian law as well as those in human rights and public international law for military practitioners and ngo lawyers as well as those working in intergovernmental organizations this is simply a must have resource

this book explores the nature and scope of the provision requiring states to ensure respect for international humanitarian law ihl contained within common article 1 of the 1949 geneva conventions it examines the interpretation and application of this provision in a range of contexts both thematic and country specific accepting the clearly articulated notion of respect for ihl it builds on the existing literature studying the meaning of ensure respect and outlines an understanding of the concept in situations

such as enacting implementing legislation diplomatic interactions regulating private actors targeting detaining persons under ihl in non international armed conflict protecting civilians including internally displaced populations and prosecuting war crimes it also considers topical issues such as counter terrorism and foreign fighting the book will be a valuable resource for practitioners academics and researchers it provides much needed practical reflection for states as to what ensuring respect entails so that governments are able to address these obligations

this monograph examines and analyses the phenomenon of non binding instruments also known as soft law in the law of armed conflict or international humanitarian law in the past 30 years there have been several non binding instruments created designed as either best practice guidelines or re statements of applicable law these instruments are not treaties but they nevertheless put themselves forward as authoritative statements of what the law is and in some instances what the law should be soft law instruments can be dynamic prompt and responsive measures to address pressing issues in armed conflicts by drawing on the skill of a small group of experts these instruments can be debated and drafted in a timelier manner than if these issues were to be left to the international community of 194 states to resolve furthermore because these instruments do not have to be sent for debate to an international conference of states it means that the provisions are not subject to the usual revisions reservations and dilutions that come with attempting to reach consensus however there are potential and actual problems with these instruments and the processes that bring them to fruition and how they are received in practice by states and other stakeholders this volume looks at the benefits and drawbacks for states and non state actors with regards to soft law whether they are effective additions to the law of armed conflict analysing the development through the lens of theories of legitimacy and legality in international law

in three distinct volumes the editors bring together a distinguished group of contributors whose essays chart the history practice and future of international humanitarian law at a time when the war crimes of recent decades are being examined in the international criminal tribunals for former yugoslavia and rwanda and a new international criminal court is being created as a permanent venue to try such crimes the role of international humanitarian law is seminal to the functioning of such attempts to establish a just world



order the events of september 2001 and the worldwide threat of terrorist attacks bring into sharper focus questions about the ramifications of unconventional warfare and how prisoners taken in armed conflict short of declared war should be treated here again international humanitarian law can provide the guideposts needed to find a just course through difficult times the intent of these volumes is to help to inform where humanitarian law had its origins how it has been shaped by world events and why it can be employed to serve the future

anthony cullen advances an argument for a particular approach to the interpretation of non international armed conflict in international humanitarian law the first part examines the origins of the armed conflict concept and its development as the lower threshold for the application of international humanitarian law here the meaning of the term is traced from its use in the hague regulations of 1899 until the present day the second part focuses on a number of contemporary developments which have affected the scope of non international armed conflict the case law of the international criminal tribunals for the former yugoslavia has been especially influential and the definition of non international armed conflict provided by this institution is examined in detail it is argued that this concept represents the most authoritative definition of the threshold and that despite differences in interpretation there exist reasons to interpret an identical threshold of application in the rome statute

this book is written in memory of avril mcdonald who passed away in april 2010 avril was an inspired and passionate scholar in the fields of international humanitarian law international criminal law human rights law and law in the field of arms control and disarmament what in particular made avril s work special was her strong commitment with the human aspects throughout fourteen scholars and practitioners have contributed to this *liber amicorum* which has led to a rich variety of topics within the disciplines of avril s expertise they all have in common that they deal with the human perspectives of the discipline of law at hand they concentrate on the impact of the developments in international law on humans whether they are civilians victims of war or soldiers this human perspective of law makes this book an appropriate tribute to avril mcdonald and at the same time a unique and valuable contribution to international legal research in the present society a society that becomes more and more characterized by detailed legal

systems defined by institutions that may frequently lack sufficient contact with the people concerned

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