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[Gender, Conflict and International Humanitarian Law](#) - Orly Maya Stern 2018-07-27

This book conducts a gendered critique of the 'principle of distinction' in international humanitarian law (IHL), with a focus on recent conflicts in Africa. The 'principle of distinction'

is core to IHL, and regulates who can and cannot be targeted in armed conflict. It states that civilians may not be targeted in attack, while combatants and those civilians directly participating in hostilities can be. The law defines what it means to be a combatant and a

civilian, and sets out what behaviour constitutes direct participation. Close examination of the origins of the principle reveals that IHL was based on a gendered view of conflict, which envisages men as fighters and women as victims of war. Problematically, this view often does not accord with the reality in 'new wars' today in which women are playing increasingly active roles, often forming the backbone of fighting groups, and performing functions on which armed groups are highly reliant. Using women's participation in 'new wars' in Africa as a study, this volume critically examines the principle through a gendered lens, questioning the extent to which the principle serves to protect women in modern conflicts and how it fails them. By doing so, it questions whether the principle of distinction is suitable to effectively regulate the conduct of hostilities in new wars. This book will be of much interest to students of international law, gender studies, African politics, war and conflict studies, and international relations.

The Law of International Humanitarian Relief in Non-International Armed Conflicts - Matthias Vanhullebusch 2021-10-05

This first book-length treatment of the law of international humanitarian relief in non-international armed conflicts examines the rights and duties of fighting parties and international humanitarian relief actors and provides practical guidance for frontline humanitarian negotiators and legal professionals.

[International Humanitarian Law](#) - Hilaire McCoubrey 2019-07-16

First Published in 1998, this book presents an analysis of international humanitarian law, the law governing and seeking to mitigate the conduct of armed conflict. Since the first edition of this work came out in 1990 there have been important developments in the law and, sadly, a continuing experience of armed conflict and the humanitarian crises which it represents. As a result, this is not so much an 'updating' as the

offering of a new book. International humanitarian law is here taken as coterminous with the jus in bello and covers both its 'Geneva' and 'Hague' elements dealing, respectively with the humanitarian protection and assistance of victims of armed conflict and the controls and restrictions placed upon methods and means of warfare. The rules and principles of international humanitarian law are presented and analysed in the context of their practical application in warfare, with emphasis upon recent experience. The Work is Primarily dedicated to the law relating to international armed conflict but also includes discussion of the relevant law applicable to non-international and 'low level' conflict.

Armed Conflict and International Law: In Search of the Human Face - Mariëlle Matthee
2013-06-26

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.

The Handbook of International Humanitarian Law - Michael Bothe 2013-08-29

The third edition of this work sets out a comprehensive and analytical manual of international humanitarian law, accompanied by case analysis and extensive explanatory commentary by a team of distinguished and internationally renowned experts.

Principles of International Humanitarian Law - Jonathan Crowe 2013-01-01

ÔThis is a concise and nuanced overview of International Humanitarian Law (IHL). The structure is unusual. While the book reflects the state of the law with accuracy and sobriety, it nevertheless shows the idealist and philosophical ambitions of the authors. Legal issues are often discussed within a wider moral and ethical context. The authors add many basics on human rights and the enforcement of international law, which are not directly relevant for IHL, but ensure the reader understands the

wider picture. Õ Ð Marco Sass~li, University of Geneva, Switzerland This book provides a clear and concise explanation of the central principles of international humanitarian law (or the law of armed conflict) while situating them in a broader philosophical, ethical and legal context. The authors consider a range of wider issues relevant to international humanitarian law, including its ethical foundations, relationship to other bodies of international law and contemporary modes of enforcement. This helps to develop a richer context for understanding the law of war and a sound basis for examining the changing nature of contemporary armed conflict. The book also discusses important recent decisions by international courts and tribunals, tracks the historical development of humanitarian principles in warfare and considers the legal position of states, individuals and non-state groups. Principles of International Humanitarian Law is an important resource for students of international humanitarian law and

International law academics, as well as international humanitarian law practitioners.

The Challenge of Conflict - Ustinia Dolgopol
2006

This collection is an integrated body of essays that provides a comprehensive range of viewpoints on how international legal and political mechanisms can address the catastrophic consequences of deadly conflict in today's world. The authors are drawn from a diverse range of disciplines encompassing law, peace studies, international relations and criminal justice and include judges, members of the military, academics, United Nations personnel and representatives of non-government organisations.

International Legal Protection of Human Rights in Armed Conflict - United Nations.

Office of the High Commissioner for Human Rights 2011

International human rights law and international humanitarian law share the goal of preserving

the dignity and humanity of all. Over the years, the General Assembly, the Commission on Human Rights and, more recently, the Human Rights Council have considered that, in armed conflict, parties to the conflict have legally binding obligations concerning the rights of persons affected by the conflict. Although different in scope, international human rights law and international humanitarian law offer a series of protections to persons in situations of armed conflict, whether civilians, persons who are no longer participating directly in hostilities or active participants in the conflict. This publication provides a thorough legal analysis and guidance to State authorities, human rights and humanitarian actors and others on the application of international human rights law and international humanitarian law for the protection of persons.

International Investment Law and the Law of Armed Conflict - Katia Fach Gómez
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.

The Handbook of Humanitarian Law in Armed Conflicts - Dieter Fleck 1999

This book offers the most authoritative

commentary and analysis of international humanitarian law applicable in armed conflict available. It is based upon the Joint Service Regulation for the German Ministry of Defence, augmented with extensive international references, and accompanied by commentary by a team of distinguished and internationally renowned experts. Whilst the past decades have seen consistent development of international law applicable in armed conflict, culminating in a series of International Covenants and Protocols, world events in recent years have made reassessment of the law both a timely and topical concern. This Handbook available for the first time in paperback will serve as an indispensable reference source for practising lawyers and academics working in the field of international humanitarian law and for military personnel worldwide.

The Law of Non-International Armed Conflict - Sandesh Sivakumaran 2012-08-09

Non-international armed conflicts now far

outnumber international ones, but the protection afforded by international law to combatants and civilian is not always clear. This book will set out the legal rules and state practice applicable to internal armed conflicts, drawing on armed conflicts from the US civil war to present day.

International Humanitarian Law - Emily Crawford 2020-03-12

The law that regulates armed conflicts is one of the oldest branches of international law, and yet continues to be one of the most dynamic areas of law today. This book provides an accessible, scholarly, and up-to-date examination of international humanitarian law, offering a comprehensive and logical discussion and analysis of the law. The book contains detailed examples, extracts from relevant cases, useful discussion questions, and a recommended reading list for every chapter. Emerging trends in theory and practice of international humanitarian law are also explored, allowing for readers to build on their knowledge, and grapple

with some of the biggest challenges facing the law of armed conflict in the twenty-first century. This second edition offers new sections on issues like detention in non-international armed conflict, characterisation of non-international armed conflicts, expanded chapters on occupation and the protection of civilians, means and methods of warfare, and implementation, enforcement and accountability.

Law on the Battlefield - A. P. V. Rogers 1996

The Law of Armed Conflict - Gary D. Solis 2016-04-18

This book introduces students to the essential questions of the law of armed conflict and international humanitarian law.

The Treatment of Combatants and Insurgents Under the Law of Armed Conflict - Emily Crawford 2010-01-14

This book looks at why international law continues to make the legal distinction between persons who participate in an international or an

internal armed conflict and, drawing on considerable legal precedent, legal theory, and the situation in Guantanamo Bay, it argues that it is time for the law of armed conflict to be applied more uniformly.

International Law And Armed Conflict, Exploring the Faultlines - Michael N. Schmitt
2007

International law and armed conflict exist in a symbiotic relationship. In some cases, law shapes conflict proactively by imposing normative limits in advance of the appearance of proscribed conduct. Much more commonly, armed conflict either reveals lacunae in the law or demonstrates how law designed for yesterday's wars falls short when applied to contemporary conflict. When that happens, international law reacts by allowing provisions to fall into desuetude, embracing new interpretations of existing prescriptions, or generating new norms through practice or codification. In the 21st Century, both

international security and armed conflict are the subject of arguably unprecedented sea changes. As a result, claims that both the "jus ad bellum" and "jus in bello" are unwieldy and ill-fitting in the context of modern hostilities have surfaced prominently. Whether one agrees with such dire assessments, what has become clear is that armed conflict is increasingly exposing faultlines in the law governing the resort to force. The intent of this collection of essays in honour of Professor Yoram Dinstein on the occasion of his 70th birthday is to explore such faultlines, first by identifying them and then by assessing their consequences. In a sense, then, the essays, contributed by the top minds in the field, will serve to assist academics and practitioners to anticipate pressure on the law governing armed conflict and, to the extent possible, react accordingly. Paralleling Professor Dinstein's classic works - "War, Aggression, and Self-Defence and The Conduct of Hostilities Under the Law of International Armed Conflict" the

book addresses both "ius ad bellum" and "ius in bello" topics.

International Humanitarian Law - Marco Sassòli
International humanitarian law (IHL) protects persons and property affected by armed conflicts. Focusing on the controversies that impact IHL in practice, this much-anticipated book from leading expert Marco Sassòli discusses when IHL applies, its substantive rules, how to ensure its respect and whether the traditional distinction between international and non-international armed conflicts remains relevant.

Internationalized Armed Conflicts in

International Law - Kubo Macak 2018-07-19

This book provides the first comprehensive analysis of factors that transform a prima facie non-international armed conflict (NIAC) into an international armed conflict (IAC) and the consequences that follow from this process of internationalization. It examines in detail the historical development as well as the current

state of the relevant rules of international humanitarian law. The discussion is grounded in general international law, complemented with abundant references to case law, and illustrated by examples from twentieth and twenty-first century armed conflicts. In Part I, the book puts forward a thorough catalogue of modalities of conflict internationalization that includes outside intervention, State dissolution, and recognition of belligerency. It then specifically considers the legal qualification of complex situations that feature more than two conflict parties and contrasts the mechanism of internationalization of armed conflicts with the reverse process of de-internationalization. Part II of the book challenges the conventional wisdom that members of non-State armed groups do not normally benefit from combatant status. It argues that the majority of fighters belonging to non-State armed groups in most types of internationalized armed conflicts are in fact eligible for combatant status. Finally, Part III

turns to belligerent occupation, traditionally understood as a leading example of a notion that cannot be transposed to armed conflicts occurring in the territory of a single State. By contrast, the book argues in favour of the applicability of the law of belligerent occupation to internationalized armed conflicts.

The Challenges of Asymmetric Warfare. Enhancing Compliance with International Humanitarian Law by Organized Armed Groups - María Alejandra Martinovic

2016-09-13

All armed conflicts, whether international or non-international, are characterized by some sort of asymmetry. Disparities between parties to armed hostilities have always been an issue as a matter of fact, although not necessarily addressed by International Humanitarian Law (IHL) as a matter of law. IHL remains a stranger to such situations, for it is based on its equal applicability to all parties of a conflict.

Nonetheless, contemporary conflicts have shown

that the said equality may no longer be the rule, but rather the exception. This refers in particular to non-international armed conflicts where parties are inherently asymmetrical and the weaker ones tend to act in straightforward violation of universally hailed rules in order to engage their technologically advanced and more resourceful enemy. Accordingly, the ways in which asymmetric actors behave during armed conflicts challenge IHL's basic foundations, and the fact that civilians still endure the burden of hostilities, as their primary victims, underpins the necessity for further efforts in the attempt to promote respect for IHL. This work assesses diverse alternatives to respond to these brutal forms of asymmetric confrontations, with a view on those mechanisms which best address the causes why non-state actors deny not only complying with IHL from a legal perspective but also contemplating policy-making considerations.

International Humanitarian Law of Armed

Conflict - Esbjörn Rosenblad 1979

The Oxford Handbook of International Law in Armed Conflict - Andrew Clapham 2014-03

Written by a team of distinguished and internationally renowned experts, this Oxford Handbook gives an analytical overview of international law as it applies in armed conflicts. The Handbook draws on international humanitarian law, human rights law, and the law of neutrality to provide a comprehensive picture of the status of law in war.

Customary International Humanitarian Law

- Jean-Marie Henckaerts 2005-03-03

Customary International Humanitarian Law, Volume I: Rules is a comprehensive analysis of the customary rules of international humanitarian law applicable in international and non-international armed conflicts. In the absence of ratifications of important treaties in this area, this is clearly a publication of major importance, carried out at the express request of the

international community. In so doing, this study identifies the common core of international humanitarian law binding on all parties to all armed conflicts. Comment Don:RWI.

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.

International Humanitarian Law (law of Armed Conflict) Sourcebook - Andrew M. Borene 2014

This collection is meant to provide an overview of the international rules established by treaties and customs for regulating armed conflict and the use of military force around the world.

International Humanitarian Law - H. McCoubrey 1990

The Handbook of International Humanitarian Law - Dieter Fleck 2008

Rev. ed. of : Handbook of humanitarian law in armed conflicts. 1999.

Self-Determination, Terrorism, and the International Humanitarian Law of Armed Conflict - Elizabeth Chadwick 1996-03-05
Parties to a conflict.

The Law of Armed Conflict - Gary D. Solis
2016-04-18

Newly revised and expanded, *The Law of Armed Conflict*, 2nd edition introduces law students and undergraduates to the law of war in an age of terrorism. What law of armed conflict (LOAC), or its civilian counterpart, international humanitarian law (IHL), applies in a particular armed conflict? Are terrorists legally bound by that law? What constitutes a war crime? What (or who) is a lawful target and how are targeting decisions made? What are 'rules of engagement' and who formulates them? How can an autonomous weapon system be bound by the law of armed conflict? Why were the Guantánamo military commissions a failure? This book takes students through these LOAC/IHL questions and more, employing real-world examples and legal opinions from the US and abroad. From Nuremberg to 9/11, from courts-martial to the US Supreme Court, from the nineteenth century to the twenty-first, the law of war is explained,

interpreted, and applied.

[An Introduction to the International Law of Armed Conflicts](#) - Robert Kolb 2008-09-17

This book provides a modern and basic introduction to a branch of international law constantly gaining in importance in international life, namely international humanitarian law (the law of armed conflict). It is constructed in a way suitable for self-study. The subject-matters are discussed in self-contained chapters, allowing each to be studied independently of the others. Among the subject-matters discussed are, inter alia: the Relationship between jus ad bellum / jus in bello; Historical Evolution of IHL; Basic Principles and Sources of IHL; Martens Clause; International and Non-International Armed Conflicts; Material, Spatial, Personal and Temporal Scope of Application of IHL; Special Agreements under IHL; Role of the ICRC; Targeting; Objects Specifically Protected against Attack; Prohibited Weapons; Perfidy; Reprisals; Assistance of the Wounded and Sick; Definition

of Combatants; Protection of Prisoners of War; Protection of Civilians; Occupied Territories; Protective Emblems; Sea Warfare; Neutrality; Implementation of IHL.

The Oxford Guide to International Humanitarian Law - Ben Saul 2020-05-07

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 Legitimate Use of Military Force - Howard M. Hensel 2016-03-03

Throughout human history, scholars, statesmen and military leaders have attempted to define what constitutes the legitimate use of armed force by one community against another. Moreover, if force is to be used, what normative guidelines should govern the conduct of warfare? Based upon the assumption that armed conflict is a human enterprise and therefore subject to human limitations, the Western 'just war tradition' represents an attempt to provide

these guidelines. Following on from the success of Hensel's earlier publication, *The Law of Armed Conflict*, this volume brings together an internationally recognized team of scholars to explore the philosophical and societal foundations of just war tradition. It relates the principles of jus ad bellum to contemporary issues confronting the global community and explores the relationship between the principles of jus in bello and the various principles embodied in the customary law of armed conflict. Applying an interdisciplinary approach to analyzing and assessing the links between just war and the norms of behaviour, the book provides a valuable contribution to international law, international relations and national security studies.

[The Relationship between Economic, Social and Cultural Rights and International Humanitarian Law](#) - Amrei Müller 2013-04-17

In *The Relationship between Economic, Social and Cultural Rights and International*

Humanitarian Law, Amrei Müller offers a detailed analysis of the legal consequences of the parallel application of economic, social and cultural rights and international humanitarian law to non-international armed conflicts.

Non-Binding Norms in International Humanitarian Law - Emily Crawford

2022-01-22

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. It covers the benefits and drawbacks for States and non-States actors as well as their effectiveness and development in the context of armed conflict.

The Conduct of Hostilities Under the Law of International Armed Conflict - Yoram

Dinstein 2004-02-26

A companion volume to the author's textbook War, Aggression and Self-Defence, Third Edition (Cambridge 2001), this book focuses on issues arising in the course of hostilities between

States, emphasizing the most recent conflicts in Iraq and Afghanistan. Main themes considered are lawful and unlawful combatants, war crimes (including command responsibility and defenses), prohibited weapons, the distinction between combatants and civilians, legitimate military objectives, and the protection of the environment and cultural property. Many specific topics that have attracted much interest in recent hostilities are also addressed. Also available: War, Aggression and Self-Defence 0-521-79344-0 Hardback \$110.00 C 0-521-79758-6 Paperback \$40.00 D

Routledge Handbook of the Law of Armed Conflict - Rain Liivoja 2016-04-28

The law of armed conflict is a key element of the global legal order yet it finds itself in a state of flux created by the changing nature of warfare and the influences of other branches of international law. The Routledge Handbook of the Law of Armed Conflict provides a unique perspective on the field covering all the key

aspects of the law as well as identifying developing and often contentious areas of interest. The handbook will feature original pieces by international experts in the field, including academics, staff of relevant NGOs and (former) members of the armed forces. Made up of six parts in order to offer a comprehensive overview of the field, the structure of the handbook is as follows: Part I: Fundamentals Part II: Principle of distinction Part III: Means and methods of warfare Part IV: Special protection regimes Part V: Compliance and enforcement Part VI: Some contemporary issues Throughout the book, attention is paid to non-international conflicts as well as international conflicts with acknowledgement of the differences. The contributors also consider the relationship between the law of armed conflict and human rights law, looking at how the various rules and principles of human rights law interact with specific rules and principles of international humanitarian law in particular

circumstances. The Routledge Handbook of the Law of Armed Conflict provides a fresh take on the contemporary laws of war and is written for advanced level students, academics, researchers, NGOs and policy-makers with an interest in the field.

Constraints on the Waging of War - Frits Kalshoven 2011-07-21

This fully revised fourth edition of *Constraints on the Waging of War* considers the development of the principal rules of international humanitarian law from their origins to the present day. Of particular focus are the rules governing weapons and the legal instruments through which respect for the law can be enforced. Combining theory and actual practice, this book appeals to specialists as well as to students turning to the subject for the first time.

International Law - Malcolm David Evans 2014
Clearly and accessibly written, this new text provides a valuable resource for undergraduate and postgraduate students of international law

and covers subjects including the history, theories and sources of international law, as well as current areas of interest such as international criminal law.

Classification of Conflicts in International Humanitarian Law - Noam Zamir 2017-02-24

Noam Zamir provides a thorough examination of the theoretical basis of classification of conflicts in international humanitarian law (IHL), with special focus on the legal impact of armed foreign intervention in civil wars. Classification of Conflicts in International Humanitarian Law enriches the discourse on IHL by providing an in-depth analysis of classification of conflicts and examining recent civil wars with foreign interventions, such as the Libyan civil war (2011), Mali civil war (2012-2015) and the ongoing civil war in Yemen.

Non-State Actors and International Humanitarian Law. Organized armed

groups: a challenge for the 21st century -

International Institute of Humanitarian Law
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Law-Making and Legitimacy in International Humanitarian Law - Püschmann, Jonas
2021-10-19

International Humanitarian Law (IHL) is in a state of some turbulence, as a result of, among other things, non-international armed conflicts, terrorist threats and the rise of new technologies. This incisive book observes that while states appear to be reluctant to act as agents of change, informal methods of law-making are flourishing. Illustrating that not only courts, but various non-state actors, push for legal developments, this timely work offers an insight into the causes of this somewhat ambivalent state of IHL by focusing attention on both the legitimacy of law-making processes and the actors involved.