

Max Planck Yearbook Of United Nations Law 2004

Jared Genser, Bruno Stagno Ugarte

Max Planck Yearbook Of United Nations Law 2004:

Max Planck Yearbook of United Nations Law Armin Von Bogdandy,Rüdiger Wolfrum,Christiane E. Philipp,2005-09 This publication constitutes the first scholarly periodical to focus on activities of the United Nations in the field of international law It recognizes the recent increased impact of the development of the World Organization its Specialized Agencies and other aspects of the United Nations System as well as their effect on the shaping of international relations

Max Planck Yearbook of United Nations Law Armin Von Bogdandy, 2005 Annotation Now in its eighth year the Max Planck Yearbook of United Nations Law has become a much sought after forum for essays in international law related to the UN Volume eight comprises topics like the United Nations system of the use of force the U S bilateral non surrender agreements in relation to the ICC developing countries non traditional intellectual property rights and the WIPO and fact finding by UN human rights complaints bodies This is only a selection and shows the variety of topics This volume is therefore again a must for any academic or practitioner involved in international law and guestions concerning the United Max Planck Yearbook of United Nations Law. Former Director Rudiger Wolfrum, C E Philipp, 2014-05-14 Now in Nations its seventh year the Max Planck Yearbook of United Nations Law has become a much sought after forum for essays in international law related to the UN Volume seven is divided into two parts The first part comprises topics like the wars against the Taliban and Irag with an emphasis on the use of force and rules in armed conflict as well as the guestion of so called Rogue States and how to deal with them or how to proceed with the Security Council Reform after a decade of failed attempts to reform it The second part deals with the ICC and international criminal law This volume is therefore again a must for any academic or practitioner involved in international law and questions concerning the United Nations United *Nations Juridical Yearbook* United Nations, 2007 **Research Handbook on the Law of International Organizations** Jan Klabbers, Asa Wallendahl, 2011-05 This pioneering Research Handbook with contributions from renowned experts provides an overview of the general doctrines making up the law of international organizations The approach of this book is taken from a novel perspective that of the tension between functionalism and constitutionalism In doing so this Handbook presents not only practically relevant information but also provides a tool for understanding the ways in which international organizations work It has separate chapters on specific constitutional topics and on two specific organizations the EU and the UN Research Handbook on the Law of international Organizations will be of particular interest to academics and graduate students in the fields of international law international politics and international relations The Rule of Law in the United Nations Security Council Decision-Making Process Sherif Elgebeily, 2017-03-31 The UN Security Council is entrusted under the UN Charter with primary responsibility for the maintenance and restoration of the international peace it is the only body with the power to authorise military intervention legally and impose international sanctions where it decides However its decision making process has hitherto been obscure and allegations of political bias have been made against the Security Council in its

responses to potential international threats Despite the rule of law featuring on the Security Council's agenda for over a decade and a UN General Assembly declaration in 2012 establishing that the rule of law should apply internally to the UN the Security Council has yet to formulate or incorporate a rule of law framework that would govern its decision making process This book explains the necessity of a rule of law framework for the Security Council before analysing existing literature and UN documents on the domestic and international rule of law in search of concepts suitable for transposition to the arena of the Security Council It emerges with eight core components which form a bespoke rule of law framework for the Security Council Against this framework the Security Council's decision making process since the end of the Cold War is meticulously evaluated illustrating explicitly where and how the rule of law has been undermined or neglected in its behaviour Ultimately the book concludes that the Security Council and other bodies are unwilling or unable adequately to regulate the decision making process against a suitable rule of law framework and argues that there exists a need for the external regulation of Council practice and judicial review of its decisions The Oxford Handbook on the United Nations Thomas George Weiss, Sam Daws, 2007 Publisher Description War and Democratization Wolfgang Merkel, Sonja Grimm, 2013-09-13 Promotion of democracy in post war and post conflict societies became a topic during the 1990s The book deals with the legality legitimacy and effectiveness of military interventions where the international community of states not only felt impelled to engage in military humanitarian or peace building missions but also in long term state and democracy building External actors particularly engaged in four modes namely enforcing democratization by enduring post war occupation mode 1 restoring an elected government by military intervention mode 2 intervening in on going massacres and civil war with military forces humanitarian intervention and thereby curbing the national sovereignty of those countries mode 3 and forcing democracy on roque states by democratic intervention in other words democracy through war mode 4 The contributions link juridical and philosophical reflections on just war ad bellum with empirical evidence post bellum in Afghanistan Georgia Serbia Croatia Cambodia and East Timor All empirical analyses stress the complexity and difficulties to establish democracy in post conflict societies driven or monitored by external actors Such an endeavour implies a comprehensive agenda of political social and economic methods of peace building However if external actors withdraw before the roots of democracy are deep enough and before democratic institutions are strong enough to stand alone then the entire endeavour may fail This book was originally published as a special issue of Democratization **The United Nations** Security Council in the Age of Human Rights Jared Genser, Bruno Stagno Ugarte, 2014-06-05 This is the first comprehensive look at the human rights dimensions of the work of the only body within the United Nations system capable of compelling action by its member states Known popularly for its failure to prevent mass atrocities in Rwanda the former Yuqoslavia and Syria the breadth and depth of the Security Council's work on human rights in recent decades is much broader This book examines questions including how is the Security Council dealing with human rights concerns What does

it see as the place of human rights in conflict prevention peacemaking and peacekeeping And how does it address the quest for justice in the face of gross violations of human rights Written by leading practitioners scholars and experts this book provides a broad perspective that describes explains and evaluates the contribution of the Security Council to the promotion of human rights and how it might more effectively achieve its goals International Criminal Procedure Göran Sluiter, Håkan Friman, Suzannah Linton, Sergey Vasiliev, Salvatore Zappalà, 2013-03-21 International Criminal Procedure Principles and Rules is a comprehensive study of international criminal proceedings written by over forty leading experts in the field The book offers a systematic overview and detailed comparison of the standards governing the conduct of proceedings in all major international and internationalized criminal courts from the Nuremberg and Tokyo Tribunals to the recently established Cambodian Extraordinary Chambers and the Special Tribunal for Lebanon Based on a major research project the study covers all procedural phases from the initiation of investigation to the appeals process It pays special attention to the crosscutting themes which shape the contemporary discourse on international criminal justice including the law of evidence the defence issues the procedural role of victims and negotiated dismissal of international crime cases The book not only takes stock of the procedural legacy of the UN ad hoc Tribunals for the former Yugoslavia and Rwanda and the International Criminal Court but also reflects on the future directions of international criminal procedure Investigating the tribunals procedural law and practice through the prism of human rights law domestic legal traditions and tribunals special objectives the expert group puts forth proposals on how the challenges facing international criminal jurisdictions can best be met International Criminal Procedure will be an indispensable work for practitioners involved in the adjudication of serious crimes on both national and international level as well as international law students and academics 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 Indirect Responsibility for Terrorist Acts Marja Lehto, 2009 The book offers several

perspectives to the analysis of the expansion and diversification of international legal responses to terrorism It focuses in particular on the move during the past decade towards more indirect forms of responsibility Legal Restraints on the Use of Military Force Thilo Marauhn, Barry de Vries, 2020-12-15 Professor Michael Bothe is one of the most prominent and influential scholars of international humanitarian law His publications on legal restraints on the use of military force were not only important at the time of their publication They continue to be relevant for the interpretation and further development of this highly important area of international law This volume uniquely collects a wealth of writings that demonstrate that political ideals coupled with a sense of human responsibility can benefit from solid doctrinal underpinnings in international law Michael Bothe s work brings together idealism pragmatism and the law in a unique fashion that not only provides insights into important matters of every day politics but also serves as a stimulus for future contributions to the field The volume thus provides guidance food for thought and incentives for debate in the international legal community among practitioners and academics alike Michael s doctrinal skills combined with his contextualized assessment of the law and his deep empathy for the needs of human beings in difficult situations with a particular view to the victims of armed conflict will provide a stimulus to scholars to address these issues in the future Justice and Foreign Rule D. Jacob, 2014-10-08 Can foreign rule be morally justified Since the end of the First World War international transitional administrations have replaced dysfunctional states to create the conditions for lasting peace and democracy In response to extreme state failure the author The Third-Party Liability of argues this form of foreign rule is not only justified but a requirement of justice International Organisations Thomas S.M. Henguet, 2023-07-10 In the broader context of the accountability of international organisations this book focuses on the obligation of the United Nations like many other organisations to make provisions for appropriate modes of settlement of disputes of a private law character to which it is a party The book advocates a systematic approach in conformity with the rule of law in discharging that obligation That is needed to increase the legitimacy of international organisations while bolstering their jurisdictional immunity The work also develops the basic features of a comprehensive dispute settlement mechanism complemented by a new United Nations convention International Organizations and the Idea of Autonomy Richard Collins, Nigel D. White, 2011-04-20 International Organizations and the Idea of Autonomy is an exploratory text looking at the idea of intergovernmental organizations as autonomous international actors In the context of concerns over the accountability of powerful international actors exercising increasing levels of legal and political authority in areas as diverse as education health financial markets and international security the book comes at a crucial time Including contributions from leading scholars in the fields of international law politics and governance it addresses themes of institutional autonomy in international law and governance from a range of theoretical and subject specific contexts The collection looks internally at aspects of the institutional law of international organizations and the workings of specific regimes and institutions as well as externally at the proliferation of autonomous organizations in the

international legal order as a whole Although primarily a legal text the book takes a broad thematic and inter disciplinary approach In this respect International Organizations and the Idea of Autonomy offers an excellent resource for both practitioners and students undertaking courses of advanced study in international law the law of international organizations global governance as well as aspects of international relations and organization UN Territorial Administration and Human Rights Gjylbehare Bella Murati,2020-04-30 This book offers an original and insightful analysis of the human rights inadequacies that arise in the practice of UN territorial administration by analysing and assessing the practice of UNMIK It provides arguments based on law and principles to support the thesis that a comprehensive legal framework governing the activities of the UN mission is a crucial prerequisite for its proper functioning This is complemented by a discussion of several emerging issues surrounding the UN activity on the ground namely its legislative judicial and executive power The author offers an extensive and well documented analysis of the UN s capacity as a surrogate state administration to respond to the needs of the governed population and above all protect its fundamental rights Based on her findings Murati concludes that only a comprehensive mandate can serve the long term interests of the international community s objective to efficiently promote protect and fulfil human rights in a war torn society UN Territorial Administration and Human Rights provides a detailed critical legal analysis of one of the major UN administrations of territory after the Cold War namely the UN administration of Kosovo from 1999 to 2008 The analysis in this book will be beneficial to international law and international relations scholars and students as well as policymakers and persons working for international organisations The analysis and the lessons learned through this study shed light on the challenges entailed in governing territories and rebuilding state institutions while upholding the rule of law and ensuring respect for human rights Privatisation of Security Thomas Mandrup, Gunnar Lind, Maria Nebolsina, Katja Creutz, Doug Brooks, Angela Aranas, Joakim Berndtsson, Bjørn Møller, 2012-10-15 The aim of this study is to fill a significant gap in the existing literature on the role of non state actors ranging from rebels and criminal gangs at one extreme to the corporate security industry at the other As part of the general privatisation of the security sector in the western world combined with the US led war on terror non state actors have increasingly been tied to the foreign policy priorities of the dominant western military powers Iraq and Afghanistan are the examples often used and are well described in other chapters in this book In sub Saharan Africa as in many fragile states around the world this picture is blurred and it is often difficult to make clear distinctions between public and private or between illegal and legal etc non state actors According to much of the academic literature the nature of war changed dramatically in the last part of the twentieth century especially after the end of the Cold War According to this logic there is a dichotomy between war as a social phenomenon and warfare as the domain of the state as envisaged by the late Prussian military theorist Carl von Clausewitz in the shape of the Trinitarian War The lack of capacity on the part of predominately Third World states to control conflicts has led to low intensity conflicts LIC which can be witnessed for instance in Uganda the Democratic Republic of

Congo Colombia and Sri Lanka Since the end of the Cold War it has been common for weak state rulers with formal state legitimacy but not empirical legitimacy to have continued to enjoy international recognition because of international fears that they are the only barrier against a total collapse Amongst other things this paved the way for an expansion of the market for private military and security companies PMSC such as the South African based Executive Outcomes EO in the 1990s However the lack of state capacity led to a sub contracting willingly or unwillingly of the state s monopoly on the use of force to non state actors PMSCs and semi state actors like local militias warlords criminal gangs and vigilant groups in an attempt to secure weak state leaders positions In the competition for state control internationally recognised leaders have an advantage over their non state rivals because they can seek military help outside their countries with the agreement of the international community and in accordance with international law State Succession to Responsibility for Internationally Wrongful Acts Grega Pajnkihar, 2023-08-28 Ongoing work of the International Law Commission on State succession with respect to State responsibility begs the question how does this new matter fit into the broader concept of State succession This book presents a detailed analysis of the complete codified field of State succession with new observations and the relevant elements of State responsibility Dr Grega Pajnkihar provides insight into how these two areas of international law are interlinked and why State responsibility should not be treated differently from other matters of Volume I: Genocide Guénaël Mettraux, 2019-06-18 Judge Mettraux s four volume compendium International succession Crimes Law and Practice will provide the most detailed and authoritative account to date of the law of international crimes It is a scholarly tour de force providing a unique blend of academic rigour and an insight into the practice of international criminal law The compendium is un rivalled in its breadth and depth covering almost a century of legal practice dozens of jurisdictions national and international thousands of decisions and judgments and hundreds of cases This first volume discusses in detail the law of genocide its definition elements normative status and relationship to the other core international crimes While the book is an invaluable tool for academics and researchers it is particularly suited to legal practitioners guiding the reader through the practical and evidential challenges associated with the prosecution of international crimes

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