

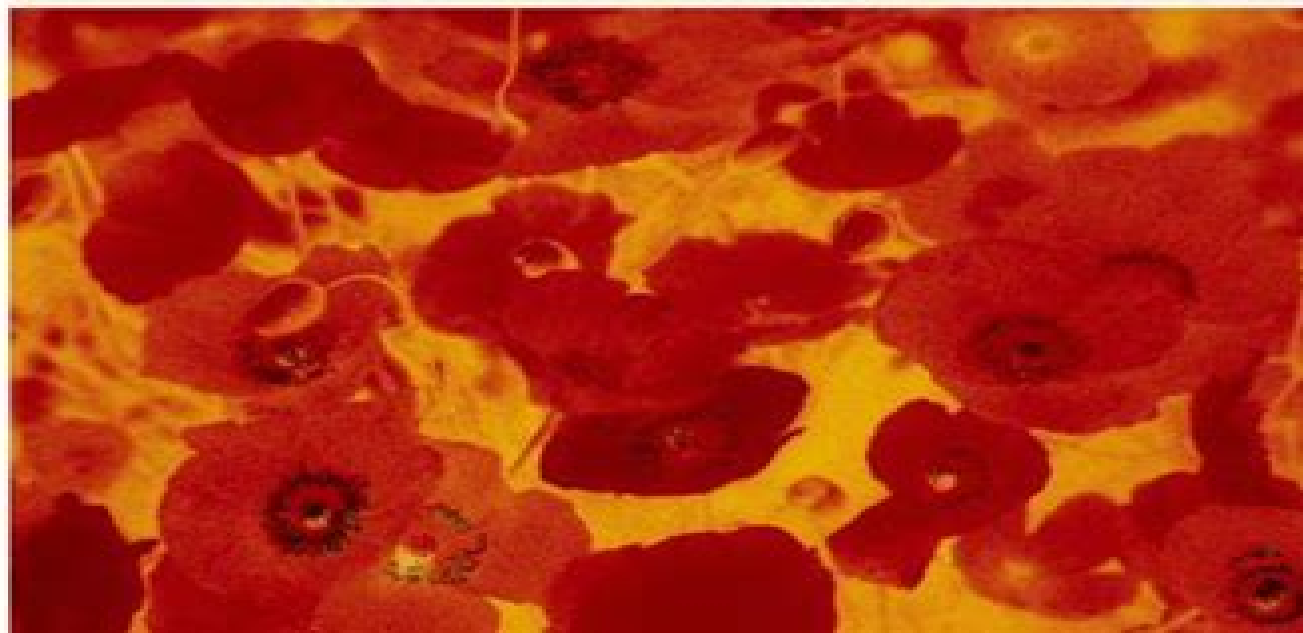
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JUS POST BELLUM

Mapping the Normative Foundations



Edited by Carsten Stahn,
Jennifer S. Easterday, and Jens Iverson



Jus Post Bellum Mapping The Normative Foundations

Claus Kreß, Robert Lawless



Jus Post Bellum Mapping The Normative Foundations:

Jus Post Bellum Carsten Stahn, Jennifer S. Easterday, Jens Iverson, 2014-02 Jus post bellum is the body of international legal norms and rules of international law that applies to a post conflict situation as it moves to a status of peace This book provides a detailed legal analysis of all aspects of jus post bellum and uses case studies to show its relevance to the reality of situations on the ground

Jus Post Bellum Carsten Stahn, Jennifer S. Easterday, Jens Iverson, 2014 *Jus Post Bellum: The Rediscovery, Foundations, and Future of the Law of Transforming War into Peace* Jens Iverson, 2021-05-31 In Jus Post Bellum Jens Iverson provides the Just War foundations of the concept reveals the function of jus post bellum and integrates the law that governs the transition from armed conflict to peace This volume traces the history of jus post bellum avant la lettre tracing important writings on the transition to peace from Augustine Aquinas and Kant to more modern jurists and scholars It explores definitional aspects of jus post bellum including current its relationship to sister terms and related fields It also critically evaluates the current state and possibilities for future development of the law and normative principles that apply to the transition to peace Peacebuilders scholars and diplomats will find this book a crucial resource

Necessity and Proportionality in International Peace and Security Law Claus Kreß, Robert Lawless, 2021 There are legal limits on the circumstances under which states may use military force to address a perceived or actual threat The concepts of necessity and proportionality are central to these limitations imposed by the law Necessity and Proportionality in International Peace and Security Law explores the many ways in which necessity and proportionality arise in the law on the modern battlefield which is rapidly changing complex and ambiguous

International Law and Transition to Peace in Colombia César Rojas-Orozco, 2021-07-05 In International Law and Transition to Peace in Colombia C sar Rojas Orozco analyses the role of international law in transition from armed conflict to peace by using the analytical framework of jus post bellum and Colombia as a case study While contemporary attention to jus post bellum has focused on its theoretical development and regarding international warfare this book is the first work to comprehensively assess the concept in practice and in the context of a non international armed conflict Discussing the creative formulas adopted in Colombia to conciliate international legal requirements and the practical needs of peace the book offers concrete elements to understand the concept of jus post bellum as a framework to guide other transitions around the world

Just Peace After Conflict Stahn Carsten [VNV], Jens Iverson, Rafael Braga da Silva, 2020 As contemporary studies have increasingly viewed just post bellum to the concept of peace or the law of peace so opinions concerning what a just peace could look like have diverged Is it merely an elusive ideal Or is it predominantly procedural justice Is it dependent on concessions and compromise In this volume the third output of a major research project on Jus Post Bellum Carsten Stahn Jens Iverson and Jennifer Easterday bring together a team of experts to explore the issues surrounding a just peace what it is composed of and how it makes itself felt in the modern world concluding that a just peace is not only related to form and

Environmental Protection and Transitions from Conflict to

Peace Carsten Stahn, Jennifer S. Easterday, Jens Iverson, 2017 This book examines the protection of the environment in post conflict societies with regard both to the maintenance of natural ecosystems and to the function of environmental protection in the peace building process addressing the strengths and weaknesses of different bodies of law **Just and Unjust Uses of Limited Force** Daniel R. Brunstetter, 2021-06-18 Limited force is different than war different in scope strategic purpose and ethical permissions and restraints No fly zones limited strikes Special Forces raids and drone strikes outside hot battlefield have been at the nexus of the moral and strategic debates about just war since the fall of the Berlin Wall but with the exception of drones these aspects of the modern arsenal have remained largely undertheorized **Just and Unjust Uses of Limited Force** fills that gap by revisiting the major wars animating contemporary just war scholarship Kosovo Afghanistan Iraq the drone wars and Libya through the lens of limited force and drawing insights from the just war tradition Looking at these contemporary examples the book teases out an ethical account of force short of war It covers the deliberation about whether to use limited force *jus ad vim* restraints that govern its use *jus in vi* when to stop *jus ex vi* and the after use context *jus post vim* While these moral categories parallel to some extent their just war counterparts of *jus ad bellum* *jus in bello* *jus post bellum* and *jus ex bello* the book illustrates how they can be reimagined and recalibrated in a limited force context while also introducing new principles specific to the dilemmas associated with escalation and risk As the argument unfolds the reader will be presented with a view of limited force as a moral alternative to war exposed to a series of dilemmas regarding when and how limited force is used and provided with a more precise and morally enriched vocabulary to talk about limited force and the responsibilities its use entails **The Rule of Law at the National and International Levels** Machiko Kanetake, André Nollkaemper, 2016-04-21 This book aims to enhance understanding of the interactions between the international and national rule of law It demonstrates that the international rule of law is not merely about ensuring national compliance with international law International law and institutions eg international human rights treaty monitoring bodies and human rights courts respond to national contestations and show deference to the national rule of law While this might come at the expense of the certainty of international law it suggests that the international rule of law can allow for flexibility national diversity and pluralism The essays in this volume are set against the background of increasing conflict between international and national legal norms Moreover the book shows that international law and institutions do not always command blind national obedience to international law but incorporate a process of adjustment and deference to national law and policies that are protected by the rule of law at the national level **The Protection of Foreign Investment in Times of Armed Conflict** Jure Zrilic, 2019-10-17 Foreign investors often sustain injuries during violent situations such as riots revolutions civil wars and international armed conflicts There is a great deal of uncertainty about how effective investment treaty protections are in volatile times how they relate to other applicable legal frameworks and how they affect the state security policy and the post conflict transition to peace This book explores how foreign investment is protected in times of

armed conflict under the investment treaty regime. It does so by combining insights from different areas of international law including international investment law, international humanitarian law, international human rights law, the law of state responsibility and the law of treaties. While the protections have evolved over time with the investment treaty regime providing the strongest legal framework for protecting investors, yet there has been an apparent shift in treaty practice towards safeguarding a state's security interests. Jure Zrilc identifies and analyses the flaws in the existent normative framework but also highlights the potential that investment treaties have for minimising the devastating effects of armed conflict. The book offers an analytical framework for assessing the investment treaty regime in times of armed conflict, distinguishing between different paradigms and different types of conflicts. Crucially, he argues that a new approach is needed to appropriately balance the competing interests of host states and investors when it comes to investment protection in armed conflicts. International Law and Peace Settlements Marc Weller, Mark Retter, Andrea Varga, 2021-02-04

International Law and Peace Settlements provides a systematic and comprehensive assessment of the relationship between international law and peace settlement practice across core settlement issues e.g. transitional justice, human rights, refugees, self-determination, power sharing and wealth sharing. The contributions address key cross-cutting questions on the legal status of peace agreements, the potential for developing international law and the role of key actors such as non-state armed groups, third state witnesses and guarantors and the UN Security Council in the legalisation and internationalisation of settlement commitments. In recent years, significant scholarly work has examined facets of the relationship between international law and peace settlements through concepts such as *jus post bellum* and *lex pacificatoria*. International Law and Peace Settlements drives forward the debate on the legalisation and internationalisation of peace agreements with diverse contributions from leading academics and practitioners in international law and conflict resolution. **Economic and**

Social Rights and the Maintenance of International Peace and Security Claire Breen, 2017-06-14. This text comprises cutting edge research on one of the greatest global challenges: the failure to address systematic economic and social exclusion and attendant violations of economic and social rights (ESR) as a driver of conflict. The text explores what the UN's obligation to maintain international peace and security can mean when it is informed by the requirement to protect and promote ESR rights that play a crucial role in maintaining international peace and security but which are often overlooked. The book considers the extent to which Security Council mandated peace operations have been informed by human rights and efforts to promote economic and social development. The approach is to analyse the extent to which the Security Council has interacted with the General Assembly, the Economic and Social Council as well as other Charter-based mechanisms such as the Human Rights Council and its predecessor with particular reference to the role of the Special Procedure Mechanisms. The role of the UN High Commissioner for Human Rights is also considered. In this way, the text shows that the connection between peace and security and human rights is well recognised by these organs. In addition, the text considers States' ESR

obligations stemming from the extraterritorial application of such rights in the context of peace operations Given that States obligations stemming from ESR have often been neglected the book examines how such provision could be improved using ESR grounded plans reflecting the rights to health food water education work and life The text concludes with a call to reimagine what international peace and security can look like when it is informed by the need to recognise the emergence of post conflict legal obligations based on broader concepts of international peace and security that draw from ESR This text will appeal to legal scholars policy advisors members of the military those working in the area of development NGOs and final year undergraduate and or postgraduate students working in the areas of international law political science and international relations and associated fields of research

The Construction of the Customary Law of Peace Cecilia M. Bailliet, 2021-06-25 This thought provoking book explores the emerging construction of a customary law of peace in Latin America and the developing jurisprudence of the Inter American Court of Human Rights It traces the evolution of peace as both an end and a means from a negative form i e the absence of violence to a positive form that encompasses equality non discrimination and social justice including gendered perspectives on peace

The Effects of Armed Conflict on Investment Treaties Tobias Ackermann, 2022-08-25 This book analyses the multi faceted impact armed conflict has on investment treaties Refuting the common association of the outbreak of hostilities with the termination or suspension of treaties it not only makes a case for the continuity of investment treaties The book argues that the impact of armed conflict on such agreements goes far beyond these questions Changed factual circumstances and public interests as well as international humanitarian law heavily influence the application and interpretation of investment protection standards The book argues that investment treaties can and must channel these effects to remain effective during armed conflict and strike a fair balance between investor and public interests It shows ways in which contextual and systemic interpretation respect for reasonable state action and careful treaty design can ensure that investment treaties continue to fulfil their purpose of strengthening compliance with legal rules also in times of armed conflict

Gerechte Intervention? Stephanie Fenkart, Heinz Gärtner, Hannes Swoboda, 2017 Bewaffnete Eingriffe in innerstaatliche Konflikte sind in den letzten Jahren immer wieder als Ultima Ratio genannt worden um der internationalen Schutzverantwortung oder dem Recht auf Selbstverteidigung nachzukommen Sie stehen jedenfalls im Spannungsfeld zwischen dem prinzipiellen Gewaltverbot und aktuellen Realit ten die ihren Ausdruck im Konzept der Responsibility to Protect R2P finden AutorInnen aus unterschiedlichen wissenschaftlichen Richtungen und L ndern setzen sich mit diesen und anderen Fragen auseinander und versuchen die Thematik aus mehreren Perspektiven und Blickwinkeln zu diskutieren

Research Handbook on International Law and Peace Cecilia M. Bailliet, 2019 Peace is an elusive concept especially within the field of international law varying according to historical era and between contextual applications within different cultures institutions societies and academic traditions This Research Handbook responds to the gap created by the neglect of peace in international law scholarship Explaining the normative

evolution of peace from the principles of peaceful co existence to the UN declaration on the right to peace this Research Handbook calls for the fortification of international institutions to facilitate the pursuit of sustainable peace as a public good

The Character of International Law Emma J Breeze,Mark Drumbl,Gerry Simpson,Marianne Wade,2025-10-02

Professor Robert Cryer was a foundational voice in modern international criminal law This book celebrates his character his life his work and his influence The book is a Festschrift of love and admiration for a character that is dearly missed Fittingly the book also continues to voice the many conversations that Rob started It thereby doubles as a critical examination of the life of international law The book constellates 17 expertly authored chapters nurtured by four editors through five distinctive sections each of which reflects on the character of international law These sections presented as acts are discipline and borders re imagination and continuity violence and reckoning acoustics and storytelling and friendship and kindness A wide gamut of touchpoints dovetails into a beautifully eclectic medley These include criminal law the law of war music and harm gender based violence nuclear weapons and artificial intelligence law after war the crime of aggression drones and targets the domestication of international law and the role of law in inter state relations The book journeys to many places including Japan Bosnia and Ukraine while reflecting on the role of teaching and mentorship in the life of international law

Shakespeare Studies James R. Siemon,Diana E. Henderson,2024-03-06 Shakespeare Studies is an annual peer reviewed volume featuring the work of performance scholars literary critics and cultural historians The journal focuses primarily on Shakespeare and his contemporaries but embraces theoretical and historical studies of socio political intellectual and artistic contexts that extend well beyond the early modern English theatrical milieu In addition to articles Shakespeare Studies offers opportunities for extended intellectual exchange through its thematically focused forums and includes substantial reviews An international Editorial Board maintains the quality of each volume so that Shakespeare Studies may serve as a reliable resource for all students of Shakespeare and the early modern period for research scholars and also for teachers actors and directors Volume 51 includes a Forum on the work of Michael D Bristol with contributions from J F Bernard Gail Kern Paster James Siemon Jill Ingram Unhae Park Langis and Julia Reinhard Lupton Anna Lewton Brain and Brooke Harvey Nicholas Utzig and Paul Yachnin Volume 51 includes articles from the Next Generation Plenary of the Shakespeare Association of America and essays by Laurence Senelick A Gift to Anti Semites Shylock on the Pre Revolutionary Russian Stage Christopher D Addario Metatheater and the Urban Everyday in Ben Jonson s Epicoene and The Alchemist and Denise A Walen Elbowing Katherine of Valois Book reviews consider eleven important publications on liberty of speech and female voice theaters of catastrophe adaptations of Macbeth staging touch in Shakespeare s England the criticism of Hugh Grady Shakespeare and World War II film Shakespeare and digital pedagogy Shakespeare and forgetting Shakespeare and disability studies and Shakespeare s private life

Historical Origins of International Criminal Law Morten Bergsmo,CHEAH Wui

Ling,SONG Tianying,YI Ping,2015-11-19

Restitution and the Politics of Repair Magdalena Zolkos,2020-09-21 Analyses the

social imaginary of undoing repair and return underpinning the international norm of restitution making Approaches restitution not just as a legal norm of property return but as a social imaginary and a cultural psychoanalytic scene of undoing repair and return Brings together philosophic political socio legal and cultural psychoanalytic approaches to the study of restitution Outlines a heterogeneous and multifaceted idea of restitution emergent in modernity and looks at the peripheries of the modern restitutive tradition in the search for alternatives and counter traditions This book takes a unique approach grounded in political and cultural discourse to develop a political theory of restitution Challenging assumptions about restitution in the Western legal and political tradition where it has become nearly synonymous with reacquisition and where legal studies focus on material objects and claims to their ownership Zolkos argues that the development of restitutive norms has been auxiliary to the emergence of modern state sovereignty and excavates the restitutive tradition's mythical religious substrate Bringing together texts from within and outwith the Western canon of political theory and philosophy including the writings of Grotius Durkheim Freud and Klein as well as Mary Shelley's *Frankenstein* the book undertakes a dual task reading literary texts as a political theorising of restitution and reading political or sociological texts as literary narratives with distinctive restitutive tropes of repair undoing and return

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Table of Contents Jus Post Bellum Mapping The Normative Foundations

1. Understanding the eBook Jus Post Bellum Mapping The Normative Foundations
 - The Rise of Digital Reading Jus Post Bellum Mapping The Normative Foundations
 - Advantages of eBooks Over Traditional Books
2. Identifying Jus Post Bellum Mapping The Normative Foundations
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Jus Post Bellum Mapping The Normative Foundations
 - User-Friendly Interface
4. Exploring eBook Recommendations from Jus Post Bellum Mapping The Normative Foundations
 - Personalized Recommendations
 - Jus Post Bellum Mapping The Normative Foundations User Reviews and Ratings
 - Jus Post Bellum Mapping The Normative Foundations and Bestseller Lists

5. Accessing Jus Post Bellum Mapping The Normative Foundations Free and Paid eBooks
 - Jus Post Bellum Mapping The Normative Foundations Public Domain eBooks
 - Jus Post Bellum Mapping The Normative Foundations eBook Subscription Services
 - Jus Post Bellum Mapping The Normative Foundations Budget-Friendly Options
6. Navigating Jus Post Bellum Mapping The Normative Foundations eBook Formats
 - ePub, PDF, MOBI, and More
 - Jus Post Bellum Mapping The Normative Foundations Compatibility with Devices
 - Jus Post Bellum Mapping The Normative Foundations Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Jus Post Bellum Mapping The Normative Foundations
 - Highlighting and Note-Taking Jus Post Bellum Mapping The Normative Foundations
 - Interactive Elements Jus Post Bellum Mapping The Normative Foundations
8. Staying Engaged with Jus Post Bellum Mapping The Normative Foundations
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Jus Post Bellum Mapping The Normative Foundations
9. Balancing eBooks and Physical Books Jus Post Bellum Mapping The Normative Foundations
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Jus Post Bellum Mapping The Normative Foundations
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Jus Post Bellum Mapping The Normative Foundations
 - Setting Reading Goals Jus Post Bellum Mapping The Normative Foundations
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Jus Post Bellum Mapping The Normative Foundations
 - Fact-Checking eBook Content of Jus Post Bellum Mapping The Normative Foundations
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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