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Legality And Legitimacy In Global Affairs

Volker Heins, Kai Koddenbrock, Christine Unrau

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main goals for humanity set by the United Nations The overall objective of the book is to provide the tools for a deeper understanding of the transition phase of contemporary international law by examining the major problems that characterize this phase The book will also stimulate critical reflection on the future prospects of international law Handbook of the Sources of International Law Jean d'Aspremont, Samantha Besson, Sévrine Knuchel, 2017-10-19 The question of the sources of international law inevitably raises some well known scholarly controversies where do the rules of international law come from And more precisely through which processes are they made how are they ascertained and where does the international legal order begin and end This is the static question of the pedigree of international legal rules and the boundaries of the international legal order Second what are the processes through which these rules are made This is the dynamic question of the making of these rules and of the exercise of public authority in international law The Oxford Handbook of the Sources of International Law is the very first comprehensive work of its kind devoted to the guestion of the sources of international law It provides an accessible and systematic overview of the key issues and debates around the sources of international law It also offers an authoritative theoretical guide for anyone studying or working within but also outside international law wishing to understand one of its most foundational questions. This Handbook features original essays by leading international law scholars and theorists from a range of traditions nationalities and perspectives reflecting the richness and diversity of scholarship in this area The Rohingva Crisis and the International Criminal Court Hitomi Takemura, 2023-05-31 The purpose of this book is to critically examine the activities of the International Criminal Court ICC on the eve of its 20th year of existence with a focus on its relationship to the Rohingya crisis This book is unique in that it identifies the potential and contemporary challenges of the ICC while focusing on the relationship between the Rohingya issue and the ICC The relationship between the Rohingya crisis and the ICC is an issue that is fraught with contemporary challenges and worth dealing with The relationship between the ICC and non State Parties and the relationship between the ICC and high government officials are the examples of these challenges Its novelty is to address the relationship between the Rohingya crisis and the ICC by staying current of information The human rights situation of the Rohingya is of high international concern With a case pending at the International Court of Justice ICJ not only individual criminal responsibility but also State responsibility may be sought for the most serious human rights violations The Rohingya crisis itself is of great international concern and it is expected that the issues will be discussed from the perspective of international human rights law international humanitarian law and international criminal law Therefore the structure of this book is as follows First it explains the history of the Rohingya crisis Secondly it touches on the relationship between the Rohingya crisis and the ICC Thirdly the book discusses the relationship between the ongoing case of Gambia v Myanmar at the ICI and the proceedings of the ICC Finally the book concludes with an assessment of the legitimacy effectiveness and The International Rule of Law Heike Krieger, Georg Nolte, Andreas efficiency of the ICC in recent years

Zimmermann, 2019 Introduction Historical perspectives Actor centred perspectives System oriented perspectives Justice and legitimacy Interdisciplinary Perspectives on International Law and International Relations Jeffrey L. Dunoff, Mark A. Pollack, 2013 Influential writers on international law and international relations explore the making interpretation and The Oxford Handbook of the Use of Force in International Law Marc Weller, 2015-01-15 enforcement of international law The prohibition of the use of force in international law is one of the major achievements of international law in the past century The attempt to outlaw war as a means of national policy and to establish a system of collective security after both World Wars resulted in the creation of the United Nations Charter which remains a principal point of reference for the law on the use of force to this day There have however been considerable challenges to the law on the prohibition of The prohibition of the use of force in international law is one of the major achievements of international law in the past century. The attempt to outlaw war as a means of national policy and to establish a system of collective security after both World Wars resulted in the creation of the United Nations Charter which remains a principal point of reference for the law on the use of force to this day There have however been considerable challenges to the law on the prohibition of the use of force over the past two decades This Oxford Handbook is a comprehensive and authoritative study of the modern law on the use of force Over seventy experts in the field offer a detailed analysis and to an extent a restatement of the law in this area The Handbook reviews the status of the law on the use of force and assesses what changes if any have occurred in consequence to recent developments It offers cutting edge and up to date scholarship on all major aspects of the prohibition of the use of force The work is set in context by an extensive introductory section reviewing the history of the subject recent challenges and addressing major conceptual approaches Its second part addresses collective security in particular the law and practice of the United Nations organs and of regional organizations and arrangements It then considers the substance of the prohibition of the use of force and of the right to self defence and associated doctrines The next section is devoted to armed action undertaken on behalf of peoples and populations This includes self determination conflicts resistance to armed occupation and forcible humanitarian and pro democratic action The possibility of the revival of classical expansive justifications for the use of force is then addressed This is matched by a final section considering new security challenges and the emerging law in relation to them Finally the key arguments developed in the book are tied together in a substantive conclusion The Handbook will be essential reading for scholars and students of international law and the use of force and legal advisers to both government and NGOs Model Law on Access to Information for Africa and other regional instruments: Soft law and human rights in Africa Ololade Shyllon, 2018-01-01 Model Law on Access to Information for Africa and other regional instruments Soft law and human rights in Africa Edited by Ololade Shyllon 2018 ISBN 978 1 920538 87 3 Pages 255 Print version Available Electronic version Free PDF available About the publication The adoption in 2013 of the Model Law on Access to Information for Africa by the African Commission on Human and Peoples Rights is an important landmark in the

increasing elaboration of human rights related soft law standards in Africa Although non binding the Model Law significantly influenced the access to information landscape on the continent Since the adoption of the Model Law the Commission adopted several General Comments The AU similarly adopted Model Laws such as the African Union Model Law on Internally Displaced Persons in Addressing Internal Displacement in Africa This collection of essays inquires into the role and impact of soft law standards within the African human rights system and the AU generally It assesses the extent to which these standards induced compliance and identifies factors that contribute to generating such compliance This book is a collection of papers presented at a conference organised by the Centre for Human Rights University of Pretoria with the financial support of the government of Norway through the Royal Norwegian Embassy in Pretoria Following the conference the papers were reviewed and reworked Table of Contents Acknowledgments Preface Contributors Abbreviations and acronyms PART I THE MODEL LAW AND ITS INFLUENCE ON ACCESS TO INFORMATION IN AFRICA Introduction Ololade Shyllon The impact of the Model Law on Access to Information for Africa Fola Adeleke Implementing a Model Law on Access to Information in Africa Lessons from the Americas Marianna Belalba and Alan Sears The implementation of the constitutional right of access to information in Africa Opportunities and challenges Ololade Shyllon PART II COUNTRY STUDIES The Model Law on Access to Information for Africa and the struggle for the review and passage of the Ghanaian Right to Information Bill of 2013 Ugonna Ukaigwe The impact of the Model Law on Access to Information for Africa on Kenya's Access to Information framework Anne Nderi The Sudanese Access to Information Act 2015 A step forward Ali Abdelrahman Ali Compliance through decoration Access to information in Zimbabwe Nhlanhla Ngwenya PART III INFLUENCE OF SOFT LAW WITHIN THE AFRICAN HUMAN RIGHTS SYSTEM Soft law and legitimacy in the African Union The case of the Pretoria Principles on Ending Mass Atrocities Pursuant to Article 4 h of the AU Constitutive Act Busingye Kabumba The incorporation of the thematic resolutions of the African Commission into the domestic laws of African countries Japhet Biegon General Comment 1 of the African Commission of the African Commission on Human and Peoples Rights A source of norms and standard setting on sexual and reproductive health and rights Ebenezer Durojaye The African Union Model Law on Internally Displaced Persons A critique Romola Adeola Selected bibliography Humanitarianism and Challenges of Cooperation Volker Heins, Kai Koddenbrock, Christine Unrau, 2016-02-05 Humanitarianism as a moral concept and an organized practice has become a major factor in world society It channels an enormous amount of resources and serves as an argument for different kinds of interference into the internal affairs of countries and regions At the same time and for these very reasons it is an ideal testing ground for successful and unsuccessful cooperation across borders Humanitarianism and the Challenges of Cooperation examines the multiple humanitarianisms of today as a testing ground for new ways of global cooperation General trends in the contemporary transformation of humanitarianism are studied and individual cases of how humanitarian actors cooperate with others on the ground are investigated This book offers a highly innovative empirically informed

account of global humanitarianism from the point of view of cooperation research in which internationally renowned contributors analyse broad trends and present case studies based on meticulous fieldwork This book will be of great interest to students and researchers in the areas of political science international relations and humanitarianism It is also a valuable resource for humanitarian aid workers The Law of War and Peace Gina Heathcote, Sara Bertotti, Emily Jones, Sheri A. Labenski, 2021-01-28 The Law of War and Peace offers a cutting edge analysis of the relationship between law armed conflict gender and peace This book which is the first of two volumes focuses on the interplay between international law and gendered experiences of armed conflict It provides an in depth analysis of the key debates on collective security unilateral force the laws governing conflict terrorism and international criminal law While much of the current scholarship has centered on the UN Security Council's Resolutions on Women Peace and Security this two volume work seeks to move understandings beyond the framework established by WPS It does this through providing a critical and intersectional approach to gender and conflict which is mindful of transnational feminist and queer perspectives Environmental Politics Peter Dauvergne, 2012-01-01 The second edition of this Handbook contains more than 30 new and original articles as well six essential updates by leading scholars of global environmental politics. This landmark book maps the latest theoretical and empirical research in this energetic and growing field Captured here are the pioneering and lively debates over concerns for the health of the planet and how they might best be addressed The introduction explores the intellectual trends and evolving parameters in the field of global environmental politics It makes a case for an expansive definition of the field one that embraces an interdisciplinary literature on the connections between global politics and environmental change The remaining chapters are divided into four broad themes states and cooperation global governance the political economy of governance and knowledge and ethics with each section covering key emerging issues In depth explorations are given to topics such as climate change multinational corporations international agreements and UN organizations regulations and business standards trade and international finance multilevel and transnational governance and ecological citizenship Handbook of Global Environmental Politics Second Edition is a comprehensive review of the field and offers cutting edge ideas for further research As such scholars students and policymakers will find themselves looking to it for many years to come International Law and New Wars Christine Chinkin, Mary Kaldor, 2017-04-27 Examines the difficulties in applying international law to recent armed conflicts known as new wars The Responsibility to Protect, **Second Edition** Sonja Grover, 2025-02-26 This book presents the views of various international law and human rights experts on the contested meaning scope of application value and viability of R2P the principle of the Responsibility to Protect R2P R2P refers to the notion that the international community has a legal responsibility to protect civilians against the potential or ongoing occurrence of the mass atrocity crimes of genocide large scale war crimes ethnic cleansing and crimes against humanity R2P allows for intervention where the individual State is unable or unwilling to so protect its people or is in fact a perpetrator The book also addresses the controversial issue of whether intervention by States implementing R2P with or without the endorsement of the United Nations Security Council constitutes a State act of aggression or instead is legally justified and not an infringement on the offending State's sovereign jurisdiction. The adverse impact on global peace and security of the failure to protect civilians from mass atrocity crimes has put in stark relief the need to address anew the principle of responsibility to protect and the feasibility and wisdom of its application and this book is a significant contribution to that effort This second edition comes with an updated Introduction and a new Afterword making it an invaluable resource for scholars policymakers human rights advocates and students of law and international relations seeking to deepen their understanding of a principle that is vital to safeguarding human rights in our world today This book was originally published as a special issue of the International Journal of Human Rights Global Political Theory David Held, Pietro Maffettone, 2017-06-27 Philosophers have never shied away from interrogating the nature of our obligations beyond borders From Hobbes to the international lawyers Grotius Pufendorf Vattel and of course Kant modern philosophy has always attempted to define the nature and shape of a just international order and the types of mutual obligations members of different political communities might share In today s hyper connected world these issues are more important than ever and have been an impetus to a political theory with global scope and aspirations Global Political Theory offers a comprehensive and cutting edge introduction to the moral aspects of global politics today It addresses foundational aspects of global political theory such as the nature of human rights the types of distributive obligations that we have toward distant others the relationship between just war theory and global distributive justice and the legitimacy of international law and global governance institutions In addition it features analyses of key applied moral debates in global politics including the ethical aspects of climate change the moral issues raised by the mobility of financial capital the justness of different international trade regimes and the implications of natural resource ownership for human welfare and democratic political rule With contributions from leading scholars in the field this accessible and lively book will be essential reading for students and teachers of political theory philosophy and international relations *Reclaimative Post-Conflict Justice* Janet C. Gerson, Dale T. Snauwaert, 2021-06-15 This book presents an important contribution to our understanding of post conflict justice as an essential element of global ethics and justice through an exploration of the World Tribunal on Iraq WTI The 2003 War in Iraq provoked worldwide protests and unleashed debates on the war s illegitimacy and illegality In response the WTI was organized by anti war and peace activists international law experts and ordinary people who claimed global citizens rights to investigate and document the war responsibilities of official authorities governments and the United Nations as well as their violation of global public will The WTI s democratizing experimental form constituted reclaimative post conflict justice a new conceptualization within the field of post conflict and justice studies. This book serves as a theoretical and practical guide for all who seek to reclaim deliberative democracy as a viable foundation for revitalizing the ethical norms of

a peaceful and just world order The Judicialization of International Law Andreas Follesdal, Geir Ulfstein, 2018-03-30 The influence of international courts is ubiquitous covering areas from the law of the sea to international criminal law This judicialization of international law is often lauded for bringing effective global governance upholding the rule of law and protecting the right of individuals Yet at what point does the omnipresence of the international judiciary shackle national sovereign freedom And can the lack of political accountability be justified Follesdal and Ulfstein bring together the cr me de la cr me of the legal academic world to ask the big questions for the international judiciary whether they are there for mere dispute settlement or to set precedent and how far they can enforce international obligations without impacting on democratic self determination Legislative Authority and Interpretation in the European Union Martijn van den Brink, 2024-07-12 Although legislation has in the past decades become the legal cornerstone of European integration the EU legislature remains systematically neglected in EU legal scholarship This book explores the virtues of the legislative process and the nature of legislative acts and asks how moving the legislature from the sidelines to the centre of legal analysis changes our understanding of the EU Court of Justice's role The first part of the book examines how the CJEU should exercise its authority relative to the legislature The author argues that as the legislature lends democratic legitimacy to EU law and is a better lawmaker than the judiciary that judicial deference to the legislature s choices is required in all but exceptional circumstances The second part of the book sets forth a theory of legislative interpretation that enables judicial officials to respect the wishes of the legislature This theory shows first that the legislature can aggregate the intentions of individual legislators into a coherent legislative intent and second how this legislative intent can be identified from the publicly available legislative material

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