

**Max Planck Yearbook
of
United Nations Law
Volume 8
2004**

**Editors
Jens van Dijk
Ulrich/Greif**



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United Nations Juridical Yearbook United Nations, 2007 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 United Nations Security Council in the Age of Human Rights Jared Genser, Bruno Stagno Ugarte, 2014-06-05 The first comprehensive look at the human rights dimensions of the work of the only UN body capable of compelling action by its member states

Global Human Rights Institutions Gerd Oberleitner, 2013-04-30 The range of global human rights institutions which have been created over the past half century is a remarkable achievement. Yet their establishment and proliferation raises important questions. Why do states create such institutions and what do they want them to achieve? Does this differ from what the institutions themselves seek to accomplish? Are global human rights institutions effective remedies for violations of human dignity or temples for the performance of stale bureaucratic rituals? What happens to human rights when they are being framed in global institutions? This book is an introduction to global human rights institutions and to the challenges and paradoxes of institutionalizing human rights. Drawing on international legal scholarship and international relations literature it examines UN institutions with a human rights mandate, the process of mainstreaming human rights, international courts which adjudicate human rights and non governmental human rights organizations. In mapping the ever more complex network of global human rights institutions it asks what these institutions are and what they are for. It critically assesses and appraises the ways in which global institutions bureaucratize human rights and reflects on how this process is changing our perception of human rights.

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 argues this form of foreign rule is not only justified but a requirement of justice

The Third-Party Liability of International Organisations Thomas S.M. Henquet, 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

International Territorial Administration Ralph Wilde, 2010-09-30 This is the first comprehensive treatment of the reasons why international organizations have engaged in territorial administration The book describes the role of international territorial administration and analyses the various purposes associated with this activity revealing the

objectives which territorial administration seeks to achieve

Research Handbook on the Law of International Organizations Jan Klabbbers,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

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

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 succession

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