

# Revitalizing the International Law Discourse on the Prohibition of Maritime Piracy: Voices from International Law Commission's Work on Peremptory Norms of General International Law (*Jus Cogens*)

Atul Alexander

The International Law Commission (ILC) is tasked with the codification and progressive development of international law. Recently, the ILC submitted to the United Nations General Assembly (UNGA) in its 73<sup>rd</sup> session "Draft Conclusions on identification and legal consequences of peremptory norms of general international law (*jus cogens*)". The report holds significance as the concept of the *jus cogens* has been shrouded in mystery since its inception in the Vienna Convention on the Law of Treaties (VCLT) in 1969. The Draft Conclusion 23 (non-exhaustive list) identifies eight norms (annex) fulfilling the requirement of *jus cogens*. The ILC clearly states that "...the inclusion of the list in the annex in no way precludes the existence of other norms that may have a peremptory character or the emergence of other norms in the future having that character."<sup>1</sup> Thus leaving space for the inclusion of fresh norms through subsequent studies. Nonetheless, the ILC provided the techniques to identify peremptory norms under Draft Conclusions 4 to 9. Through this article, the author argues that the prohibition of piracy has matured into a *jus cogens* norm. This is done by applying the techniques formulated by the ILC in its recent report. Although there are several writings on the prohibition of piracy as customary international law, it has received scant attention in the context of the *jus cogens*, and the author intends to fill this lacuna. This study assumes relevance as States increasingly adopt domestic legislation to combat piracy.

## KEY WORDS

- Peremptory Norms,
- International Law Commission,
- Piracy,
- Vienna Convention on the Law of Treaties,
- United Nations General Assembly,
- Customary International Law.

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# Revitalizing International Law

**Engin F Isin, Bryan S Turner**



## **Revitalizing International Law:**

*Revitalizing International Law* Richard A. Falk, 1989      **The Routledge Handbook of Language Revitalization** Leanne Hinton, Leena Huss, Gerald Roche, 2018-03-05 The Routledge Handbook of Language Revitalization is the first comprehensive overview of the language revitalization movement from the Arctic to the Amazon and across continents. Featuring 47 contributions from a global range of top scholars in the field, the handbook is divided into two parts: the first of which expands on language revitalization issues of theory and practice while the second covers regional perspectives in an effort to globalize and decolonize the field. The collection examines critical issues in language revitalization including language rights, language and well-being, and language policy; language in educational institutions and in the home; new methodologies and venues for language learning; and the roles of documentation, literacies, and the internet. The volume also contains chapters on the kinds of language that are less often researched, such as the revitalization of music, whistled languages, and sign languages, and how languages change when they are being revitalized. The Routledge Handbook of Language Revitalization is the ideal resource for graduate students and researchers working in linguistic anthropology and language revitalization and endangerment.

**The New Global Law** Rafael Domingo, 2010-02-26 The dislocations of the worldwide economic crisis, the necessity of a system of global justice to address crimes against humanity, and the notorious democratic deficit of international institutions highlight the need for an innovative and truly global legal system, one that permits humanity to re-order itself according to acknowledged global needs and evolving consciousness. A new global law will constitute by itself a genuine legal order and will not be limited to a handful of moral principles that attempt to guide the conduct of the world's peoples. If the law of nations served the hegemonic interests of Ancient Rome and international law served those of the European nation-state, then a new global law will contribute to the common good of all humanity and ideally to the development of durable world peace. This volume offers a historical-juridical foundation for the development of this new global law.

**International Environmental Governance** Bharat H. Desai, 2014-05-15 *International Environmental Governance Towards UNEPO* offers a significant contribution to practitioners and scholars involved in international debates regarding environmental governance. Clarifying the insufficiency of the 1972 UN General Assembly's model of a small UN Environment Programme in helping nations stem the accumulating degradation of the environment across the globe, the work poses the remaining question: how should international environmental governance be accomplished? The volume is timely in its examination of the post-Rio 20 period and furthermore addresses the vital issue of the evolution of UNEP into a specialized agency designated the UN Environment Protection Organization (UNEPO), a new mandate to revive the UN Trusteeship Council to supervise environment and the commons, as well as law-making and institution-building processes as reflected in multilateral environmental agreements (MEAs) and other multilateral forms. *International Environmental Governance Towards UNEPO* addresses the law-making challenge presented by growth in MEAs and

proliferation of international environmental institutions with a thorough consideration of the debate regarding the need for and efficacy of global governance in the field of environment Dr Desai's timely analysis will assist diplomats lawyers and scholars citizens and civil servants alike in finding the new roads forward

**Protesting Power** Francis A. Boyle, 2008 In this compelling book distinguished activist lawyer Francis A Boyle sounds an impassioned clarion call to citizen action against Bush administration policies both domestic and international Boyle who has spent his career defending civil resisters offers the only guide available on how to use international law constitutional law and the laws of war to defend peaceful non violent protesters against governmental policies that are illegal and criminal He focuses especially on the aftermath of 9 11 and the implications of the war on Afghanistan the war on terrorism the war on Iraq the doctrine of preventive warfare and the domestic abridgement of civil rights Including a number of compelling excerpts from his own trial appearances as an expert witness and as counsel the author offers a how to manual for protesters who find themselves in court

*Between Ethics and Politics: Lessons from Biafra* Tobe Nnamani, 2016-06-08 Although many years have elapsed since the demise of Biafra it still remains an intractable unfinished business that seriously threatens the corporate existence of Nigeria Most of the literature on Biafra tended to dwell more on the historical and political analysis of the war and how the factors that engendered it could be tackled It appears however that no ethical analysis of the issues involved in the Biafran war has been carried out in any significant academic endeavour hence the reason and need for a critical analytical survey of the ethical and political implications of the role of the world community in the unprecedented events that took place in Biafra The purpose of this book is first to understand the twist and turns of the events and issues involved in the Biafran crisis and the role the international community played in the war Second is to articulate the complex nature of humanitarian intervention and to stress the relevance of ethics its interpenetration and tandem relationship with international relations on a broader level and in particular humanitarian intervention as a foreign policy action The main claim of our argument is that ethics is part and parcel of international relations Divorcing ethics from international relations leads to amorality that threatens the world order In other words it is argued that ethical considerations should guide international affairs and the undertaking of humanitarian intervention Behind this basic thesis the book defends the idea of a global ethic Global ethic means an ethic which acknowledges respect for human life and the interconnectedness and interdependence of all human beings It is an ethic which transcends the circumscribed confines of national boundaries and economic and geopolitical interests and opens them up to the larger urgent need well being peaceful coexistence and sustainability of the larger world community Tobe Nnamani

**Relocating Sovereignty** Neil Walker, 2018-02-06 This volume brings together a collection of classic and contemporary texts which engage with the core problem of sovereignty from the perspective of various legal and law related sub disciplines legal history and theory constitutional law international law and relations and EU law Many of the highlights from the intense debates about the continuing relevance or otherwise of the internal sovereignty of national legal orders and

the external sovereignty of states in a rapidly globalizing world are reproduced here c

**The New Challenges of Humanitarian Law in Armed Conflicts** Pablo Antonio Fernández-Sánchez, 2005-11-01 This work represents an analysis of and a reflection on the new challenges of humanitarian law in armed conflicts It covers the jurisprudential dimension not only of the International Court of Justice but also all the different legal bodies including the ad hoc tribunals created by the United Nations It analyses the purely doctrinal dimension of general aspects such as the solutions to world disorder in this field the relationship between jus in bello and jus ad bellum the principles of universal and international jurisdiction and the notion of justice and peace More concrete aspects include the situation of foreigners and journalists in armed conflicts terrorist acts in terms of international humanitarian law and sexual violence as a war crime Despite the range of themes addressed they are all linked with the essential theme of the book **The New Challenges of Humanitarian Law in Armed Conflicts**

**World Governance** Jovan Babić, Petar Bojanić, 2010-06-09 In the age of globalization and with increased interdependence in the world today there is a question we may have to raise Do we need and could we attain a world government capable of ensuring peace and facilitating worldwide well being in a just and efficient way There are obvious and strong arguments in favour of viable and sustainable world governance even for a unified world state Two of them seem to be especially strong security which is becoming more and more a matter of joint concern and sustainability which is increasingly visible in issues such as climate change requiring unified and far reaching action One of the main objections raised against world governance is not that it is impractical but that it is unnecessary and even undesirable There is a fear that world government would be or become tyrannical German philosopher Immanuel Kant devised a project of perpetual peace but he was against a world state advocating instead a kind of confederation of the states in the world Finally if a world government is indeed formed how far should the instruments and tools of such a body reach These and other issues have been explored in this book Covering a wide range of disciplines from philosophy to jurisprudence ethics and social science the book explores how theorists have reflected upon the necessary components of an effective global order

**Handbook of Citizenship Studies** Engin F Isin, Bryan S Turner, 2002 The contributions of Woodiwiss Lister and Sassen are outstanding but not unrepresentative of the many merits of this excellent collection The British Journal of Sociology From women s rights civil rights and sexual rights for gays and lesbians to disability rights and language rights we have experienced in the past few decades a major trend in Western nation states towards new claims for inclusion This trend has echoed around the world from the Zapatistas to Chechen and Kurdish nationalists social and political movements are framing their struggles in the languages of rights and recognition and hence of citizenship Citizenship has thus become an increasingly important axis in the social sciences Social scientists have been rethinking the role of political agent or subject Not only are the rights and obligations of citizens being redefined but also what it means to be a citizen has become an issue of central concern As the process of globalization produces multiple diasporas we can expect increasingly complex relationships between homeland

and host societies that will make the traditional idea of national citizenship problematic As societies are forced to manage cultural difference and associated tensions and conflict there will be changes in the processes by which states allocate citizenship and a differentiation of the category of citizen This book constitutes the most authoritative and comprehensive guide to the terrain Drawing on a wealth of interdisciplinary knowledge and including some of the leading commentators of the day it is an essential guide to understanding modern citizenship About the editors Engin F Isin is Associate Professor of Social Science at York University His recent works include *Being Political Genealogies of Citizenship* Minnesota 2002 and with P K Wood *Citizenship and Identity* Sage 1999 He is the Managing Editor of *Citizenship Studies* Bryan S Turner is Professor of Sociology at the University of Cambridge He has written widely on the sociology of citizenship in *Citizenship and Capitalism* Unwin Hyman 1986 and *Citizenship and Social Theory* Sage 1993 He is also the author of *The Body and Society* Sage 1996 and *Classical Sociology* Sage 1999 and has been editor of *Citizenship Studies* since 1997

[Human Rights in the Emerging Global Order](#) K. Mills, 1998-09-14 Mills focuses on one of the most significant parts of the sovereignty debate on human rights and humanitarian issues and raises three interrelated questions First how are empirical processes and practices undermining traditional notions of sovereignty These include actions by the United Nations and other organizations on behalf of human rights such as humanitarian intervention the movements of refugees and others across the borders and increasing calls for communal self determination Second taking into account the above question and examining these issues from a normative political theory perspective what should be the relationship between individuals groups states and the international community with respect to the twin aspects of power and authority inherent in sovereignty Third what new or modified international institutions may be needed in the future to deal with these humanitarian issues

**United Nations, Volumes I and II** Sam Daws, Paul Taylor, 2020-10-11 The International Library of Politics and Comparative Government is an essential reference series which compiles the most significant journal articles in comparative politics over the past 30 years It makes readily accessible to teachers researchers and students an extensive range of essays which together provide an indispensable basis for understanding both the established conceptual terrain and the new ground being broken in the rapidly changing field of comparative political analysis These two volumes include articles which examine the system the structure the function and the future of the United Nations

**Environmental Protection and Transitions from Conflict to Peace** Carsten Stahn, Jens Iverson, Jennifer S. Easterday, 2017-10-13 This is an open access title available under the terms of a CC BY NC ND 4 0 International licence It is free to read at Oxford Scholarship Online and offered as a free PDF download from OUP and selected open access locations Environmental protection is fundamental for the establishment of sustainable peace Applying traditional legal approaches to protection raises particular challenges during the transition from conflict to peace In the jus post bellum context protection of the environment and natural resources needs to be considered in tandem with a broad range of simultaneously applicable normative frameworks such as human rights transitional justice

arms control disarmament UN law and practice development and domestic law While certain multilateral environment agreements such as the Convention Concerning the Protection of the World Cultural and Natural Heritage protect the environment international humanitarian law and international criminal law continue to treat environmental protection largely from an anthropocentric perspective This book is the first targeted work in the legal literature that investigates environmental challenges in the aftermath of conflict Addressing these challenges it brings together academics policy makers and practitioners from different disciplines to clarify policies and practices of environmental protection and key normative frameworks It draws on experiences and practices in post conflict settings to specify substantive principles and techniques to remedy and prevent harm

**Iraq** Tareq Y. Ismael, William W. Haddad, 2003-11-20 The people of Iraq have suffered for more than a decade from the most severe sanctions ever imposed on any nation in history United Nations sanctions against Iraq began in August 1990 as an attempt to force Iraq out of Kuwait This book reveals why the sanctions regime has failed in its most basic aims and ask serious questions about the real motivations of the powers involved It explains how if sanctions had been carefully applied they could have worked The massive bombing campaign of 1991 destroyed Iraq s social infrastructure Sanctions should have been modified to meet the post Gulf War environment Also the US and the UK refused to agree that sanctions would be lifted if Iraq complied left with little incentive to disarm it is not surprising that Saddam Hussein did not cooperate Why did the sanctions continue if they did not fulfil their avowed purpose The contributors argue that the real motives of the US and the UK were much more complex instead of revolving around violations of human rights terrorism and nuclear weapons proliferation sanctions may have had more to do with political powerbroking and the danger that Iraq and Iran presented to US hegemony in the oil rich Middle East Assessing these and other related questions the contributors put forward the idea that the current sanctions against Iraq are illegal under international law

**Global Environment**  
**Problems And Policies Vol# 4** Ed. K.R. Gupta, Klaus Bosselmann & Prasenjit Maiti, 2008-04  
**Encyclopedia of Peace Education** Monisha Bajaj, 2008-05-01 The rise of peace education both in scholarship and in practice has yielded numerous documents websites and publications with often divergent perspectives on what the field is does and means The Encyclopedia of Peace Education provides a comprehensive overview of the scholarly developments in the field to date so as to provide a common denominator for the various actors involved in advancing peace education internationally Thus this edited volume serves as an essential reference guide that traces the history and emergence of the field highlights foundational concepts contextualizes peace education practice across international and disciplinary borders and suggests new directions for peace educators From core conceptual perspectives to the moral and spiritual foundations of the field to the role of the United Nations the Encyclopedia grounds peace education in a solid theoretical and practical framework through the writings of the field s most renowned scholars This volume will target undergraduate and graduate students as well as scholars and practitioners working in international and non governmental organizations in the field of peace

education     Encyclopedia of Global Justice Deen K. Chatterjee,2012-01-23 This two volume Encyclopedia of Global Justice published by Springer along with Springer s book series Studies in Global Justice is a major publication venture toward a comprehensive coverage of this timely topic The Encyclopedia is an international interdisciplinary and collaborative project spanning all the relevant areas of scholarship related to issues of global justice and edited and advised by leading scholars from around the world The wide ranging entries present the latest ideas on this complex subject by authors who are at the cutting edge of inquiry The Encyclopedia sets the tone and direction of this increasingly important area of scholarship for years to come The entries number around 500 and consist of essays of 300 to 5000 words The inclusion and length of entries are based on their significance to the topic of global justice regardless of their importance in other areas     *Environmental and Natural Resources Economics* Steven Hackett,Sahan T. M. Dissanayake,2014-12-18 Extensively revised and updated this popular text presents an accessible yet rigorous treatment of environmental and natural resources economics including climate change and the economics of sustainability Completely revised and updated the fourth edition now includes new figures and tables definitions to assist the reader and updated policy information New advances in the science economics and policy approaches to climate change have been integrated into essentially all new chapters on incentive regulation and global climate change This innovative textbook integrates economics with science and public policy in a balanced and accessible way that will be appreciated by students from disciplines ranging from economics and natural resources management to environmental studies and energy policy     **Environmental and Natural Resources Economics** Steven C. Hackett,2001 With over 25% new material this new edition of Environmental and Natural Resources Economics offers an accessible and balanced treatment of economic theory and policy relating to the environment as well as a thorough overview of the economics of sustainability Intended for both students and practioners the book has been completely updated to include discussion and analysis of the latest U S and international environmental policy initiatives such as the Kyoto Protocol and how they affect the global economy Fully integrated web source linkages have also been added throughout to enable all readers to make better use of the book s own website and a myriad of other available internet resources for research and supplemental reading on this crucial subject     **The Charter of the United Nations** ,2024-07-04 Since the third edition of this commentary on the Charter of the United Nations was published in 2012 the text of the Charter has not changed DL but the world has Central pillars of the international order enshrined in the UN Charter are facing serious challenges notably the prohibition of the use of force Human rights too have come under increasing pressure now also from contemporary information technology Global warming poses fundamental challenges for the world community as a whole in its effort to stabilize global ecosystems Fully updated the commentary takes up these and other developments It features new chapters on Climate Change and the Human Rights Council The commentary remains the authoritative article by article account of the legislative history interpretation and practical application of each and every Charter provision Written by a team of



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