

plausible in view of the Soviet leadership's growing awareness of the need to make some allowance, however slight, for the expectations of civil society and to provide it with a certain standard of living, which was one of the ambitions of the "new course", the liberalization policy launched in 1953. This could explain why, after the ICRC was able to step into the breach, as it were, in 1956 because of the prevailing confusion, the new authorities allowed it to continue with its work.

This research, which covers a little known and unfamiliar area of humanitarian assistance, is enlightening on more than one account. The book is well documented, written in a lively style and sets the ICRC's work in its historical context. It also describes an aspect of the institution that usually remains concealed: the decision-making process, the different suggestions made by delegates or Committee members, the various options envisaged, the steps finally taken, etc. It is interesting, for example, to be informed of the many occasionally circuitous means devised and in some cases adopted in an attempt to visit the prisoners at last. To sum up, the book is not only an incisive portrayal of an exceptional operation but also sheds broader light on the activities of the ICRC, and will be of interest to all who wish to know more about its operational procedures.

Simone Delorenzi

Faculty of Social and Political Sciences
Lausanne University

Olivier Paye, *Sauve qui veut? Le droit international face aux crises humanitaires*, Collection de droit international No. 31, Éditions Bruylant/Éditions de l'Université de Bruxelles, Brussels, 1996, 315 pp.

This interesting book of some 300 pages by Olivier Paye, a lecturer at the Social, Political and Economic Sciences Faculty of the Free University of Brussels and the Law Faculty of the Facultés universitaires de Saint-Louis (Brussels) and a member of the academic staff of the International Law Centre of the Free University of Brussels, is devoted to the relationship between contemporary international law and activities whose purpose is to provide humanitarian relief.

Sauve Qui Veut Le Droit International Face Aux Crises Humanitaires

Lorenzo Palestini



Sauve Qui Veut Le Droit International Face Aux Crises Humanitaires:

An Introduction to the International Law of Armed Conflicts Robert Kolb, Richard Hyde, 2008-09-17 This book provides a modern and basic introduction to a branch of international law constantly gaining in importance in international life namely international humanitarian law the law of armed conflict It is constructed in a way suitable for self study The subject matters are discussed in self contained chapters allowing each to be studied independently of the others Among the subject matters discussed are inter alia the Relationship between jus ad bellum jus in bello Historical Evolution of IHL Basic Principles and Sources of IHL Martens Clause International and Non International Armed Conflicts Material Spatial Personal and Temporal Scope of Application of IHL Special Agreements under IHL Role of the ICRC Targeting Objects Specifically Protected against Attack Prohibited Weapons Perfidy Reprisals Assistance of the Wounded and Sick Definition of Combatants Protection of Prisoners of War Protection of Civilians Occupied Territories Protective Emblems Sea Warfare Neutrality Implementation of IHL

Human Rights, Intervention, and the Use of Force Philip Alston, Euan Macdonald, 2008-09-11 This collection presents an analysis of the imperatives of sovereignty human rights and national security in the post 9 11 era and examines their relationship to procedural and substantive legitimacy in liberal democratic states

The State Versus the Individual Katariina Simonen, 2011-07-27 The question of humanitarian intervention s legality remains unanswered to date This book offers a new approach to the legality issue by combining legal theory and international law With humanitarian intervention hard choices still have to be made by the international lawgiver

The Law Against War Olivier Corten, 2021-07-29 Praise for previous edition a comprehensive meticulously researched study of contemporary international law governing the use of armed force in international relations Andrew Garwood Gowers Queensland University of Technology Law Review Volume 12 2 When this first English language edition of The Law Against War published it quickly established itself as a classic Detailed analytically rigorous and comprehensive it provided an indispensable guide to the legal framework regulating the use of force Now a decade on the much anticipated new edition brings the work up to date It looks at new precedents arising from the Arab Spring the struggle against the Islamic State in Iraq and Syria and the conflicts in Ukraine and Yemen It also reflects the new doctrinal debates surrounding recent state practice Previous positions are reconsidered and in some cases revised notably the question of consensual intervention and the very definition of force particularly to accommodate targeted extrajudicial executions and cyber operations Finally the new edition provides detailed coverage of the concept of self defense reflecting recent interpretations of the International Court of Justice and the ongoing controversies surrounding its definition and interpretation

Finnish Yearbook of International Law, 1999 Jarna Petman, Martti Koskeniemi, 2002-04-01 Despite its Finnish initiative and pedigrees the Finnish Yearbook of International Law does not restrict itself to purely Finnish topics On the contrary it reflects the many connections in law between the national and the international The Finnish Yearbook of International Law annually publishes articles of high quality dealing

with all aspects of international law including international law aspects of European law with close attention to developments that affect Finland Its offering include longer articles of a theoretical nature exploring new avenues and approaches shorter polemics commentaries on current international law developments book reviews and documentation of relevance to Finland s foreign relations not easily available elsewhere The Finnish Yearbook offers a fertile ground for the expression of and reflection on the connections between Finnish law and international law as a whole and insight into the richness of this interaction

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

Sauve qui veut? Olivier Paye, 1996

Droit international et argumentation Jean Salmon, 2014-06-05 L ouvrage rassemble une vingtaine d articles que Jean Salmon a crits au cours des ann es et qui se consacrent la place et au r le de l argumentation en droit international Ces r flexions se situent la crois e des enseignements du philosophe Cha m Perelman sur la rh torique et ceux de l internationaliste Charles Chaumont sur les contradictions en droit international Le droit entend conformer les faits d existence du devoir tre il le fait par un langage exprim dans le cadre d un syst me et d institutions qui elles m mes sont domin es par les contradictions entre les valeurs et les aspirations des tats cr ateurs par leurs volont commune ou antagonistes des r gles qui les gouvernent L ordre juridique qui en r sulte n est ni clos ni complet il est lacunaire permet l esquiv Il est fond fr quemment sur un langage ambigu faisant une place importante aux notions confuses La solution des antinomies n est pas ais e en raison de l absence d hi rarchie entre

les règles ou entre les organes chargés de les résoudre. La qualification unilatérale reste majoritairement l'idéologie affichée ou occulte dominante. Dans un tel contexte, l'argumentation, quoique soumise à ces contraintes et aux rapports de force, est présente à chaque moment de la vie du droit : sa création, son interprétation, son application au cas concret ou son évolution. L'identification de l'auditoire que l'on doit convaincre, le choix des arguments susceptibles d'y parvenir sont essentiels. Néanmoins, la prétention que le raisonnement juridique est prouvé par le syllogisme judiciaire est largement illusoire. La motivation du juge international est essentielle pour régler les conflits, tant elle-même qu'une argumentation qui doit convaincre est un exercice d'autant plus délicat.

L'élément factuel dans le contentieux international Saïda El Boudouhi, 2013-09-12

Personne ne contestera que le juge international est autant juge du fait que juge du droit. En revanche, il est sans doute moins évident d'affirmer que le juge construit le fait autant qu'il construit le droit par son interprétation. Partant de cette hypothèse, l'auteur démontre que le pouvoir normatif du juge vient se greffer sur le fait autant que sur le droit. Il s'agit d'apporter un éclairage nouveau sur la fonction juridictionnelle à travers le prisme du fait. Le pouvoir normatif objet d'étude est alors celui qu'exerce le juge non à l'occasion de l'interprétation du droit, mais au moment du traitement des faits. Les opérations d'interprétation et de sélection des faits sont d'abord identifiées parallèlement à la qualification juridique, comme les principaux outils de traitement judiciaire des faits. L'auteur recherche ensuite leur manifestation dans les différents moments du procès. On découvre alors que le juge exerce son pouvoir normatif sur les faits aussi bien au moment de la preuve, principalement à travers le recours aux présomptions et aux experts, qu'au moment de la qualification juridique des faits à travers l'analyse de celle-ci. C'est la place et le rôle de l'élément factuel dans le raisonnement judiciaire qui sont appréciés. Il apparaît ainsi qu'il existe deux grandes catégories de faits intervenant dans le procès international : les faits d'application du droit et les faits de détermination du droit. L'ouvrage s'adresse à toute personne s'intéressant à la fonction juridictionnelle, aussi bien internationale qu'interne, car si les juridictions internationales sont le principal objet d'analyse, certaines conclusions sont aisément transposables au juge interne. Il retiendra également l'attention, aussi bien de praticiens conscients de l'importance des faits dans la procédure judiciaire que d'universitaires s'interrogeant sur des aspects plus théoriques de la fonction juridictionnelle.

Droit international public - 15e éd. Yann Kerbrat, Pierre-Marie Dupuy, 2020-08-19

Les sujets du droit international public, les modes de formation de ses normes, leurs conditions d'application, domaines d'intervention et leurs finalités sont les grands thèmes traités dans cet ouvrage devenu une référence. Cette nouvelle édition intègre les enseignements de la jurisprudence internationale et de la pratique internationale des deux dernières années. En dépit de la crise du multilatéralisme qui s'est encore accentuée depuis 2018, les juridictions internationales ont fait montre de constance, parfois d'audace, en particulier s'agissant de la situation des Rohingyas au Myanmar. Il en sera fait état dans cette nouvelle édition. Celle-ci comportera en outre un chapitre introductif sensiblement renouvelé pour tenir compte des changements profonds que connaissent la société internationale et l'ordre juridique international depuis quelques années. Ce panorama complet du droit international public

pourra être utilement complété par le recueil des Grands textes de droit international public des mêmes auteurs **Théorie et pratique de la reconnaissance d'État** Eric Wyler, 2013-07-05 l'heure de la globale gouvernance et l'émergence de nouveaux acteurs dans les relations internationales et la production du droit international il peut paraître surprenant de réexaminer le phénomène de la prise en compte de la naissance d'État par la reconnaissance Pourtant l'État n'est pas mort faute probablement d'une alternative crédible ainsi qu'en témoigne l'incessante quête de reconnaissance des entités statiques en formation illustrée par les mutations en ex Yougoslavie en ex URSS ou plus récemment au Kosovo et au Soudan L'ouvrage propose une étude globale de la reconnaissance d'État institution essentielle dans les relations internationales en raison de l'absence d'une juridiction obligatoire et centralisée appelée trancher de cas en cas toute controverse juridique notamment celle liée à la naissance d'un État au sens du droit international Le point de vue adopté montre que la reconnaissance d'État n'est pas qu'une décision politique des gouvernements mais a des effets juridiques d'opérant la volonté de ses auteurs et d'être terminés par le droit international lui-même en fonction du contexte spécifique d'émergence d'une nouvelle entité et des interactions entre celle-ci les organisations internationales et tous les États de la communauté internationale L'ouvrage servira la pratique des avocats internationalistes des magistrats des organisations internationales des diplomates et hauts fonctionnaires ainsi que des professeurs chercheurs et étudiants en droit international *Les historiens africains et la mondialisation - Actes du 3e congrès international (Bamako 2001)*, 2005-05-01 Les contributions présentées au congrès de Bamako ouvert aux historiens de toutes origines s'articulent au-delà de leur grande diversité autour de quelques grandes préoccupations Elles tentent d'abord d'établir un bilan critique de l'historiographie africaine de ces dernières années suscitant ainsi le débat sur l'exercice du métier d'historien et son utilité ventuelle *Netherlands International Law Review*, 1995 **La protection des intérêts juridiques de l'État tiers dans le procès de délimitation maritime** Lorenzo Palestini, 2020-09-28 Qui dit État tiers au procès de délimitation maritime dit avant tout risque d'empiéter sur les espaces susceptibles d'appartenir ce dernier L'empitement se produit lorsque avant d'atteindre l'extrémité de la délimitation retenue par les juges ou arbitres ce sont les espaces maritimes d'un État tiers et non plus ceux des Parties au procès qui risquent d'être pris entre de part et d'autre de la ligne Dans la mesure où tout État tiers peut entre autres revendiquer des espaces maritimes situés jusqu'à 200 milles marins de son littoral tels que la zone économique exclusive et le plateau continental il en découle que bien souvent trois voire quatre projections côtières finissent par se superposer sur un seul et unique espace maritime Ce chevauchement de titres l'origine d'une pluralité de différends engendre le risque d'empitement mais aussi d'autres difficultés aux stades par exemple de l'identification de la zone pertinente aux fins de délimiter et de la vérification de l'absence de disproportion marquée entre les espaces attribués chacune des Parties la procédure Assurément en présence de tiers le procès de délimitation maritime est un sentier semé d'embûches où le risque de commettre un faux pas est particulièrement tangible Si les conflits en mer de Chine méridionale et dans l'Arctique témoignent de l'actualité du sujet il convient de souligner que cette problématique survient dans tous les océans et

mers du monde L importance du sujet ne peut d ailleurs que cro tre l avenir car ce sont justement les diff rends maritimes impliquant plus que deux tats qui ont tendance se perp tuer dans le temps L ouvrage met en lumi re une attitude au demeurant contradictoire D un c t la jurisprudence se montre favorable la prise en consid ration des int r ts des tats tiers Cela t moigne de la reconnaissance du fait que le principe de la relativit de la chose jug e offre une protection tout compte fait insuffisante aux tiers D un autre c t cependant la Cour internationale de Justice adopte une approche trop restrictive en mati re d intervention Ceci atteste d une politique judiciaire qui s enferme dans une logique bilat rale notre sens d plac e et contreproductive

La responsabilit de prot g er Nabil Hajjami, 2013-10-11 La responsabilit de prot g er est un concept issu des travaux de la Commission internationale de l intervention et de la souverainet des tats CIISE tablie en 2000 l initiative du Canada elle a recherch d passer les controverses inh rentes aux d bats relatifs au droit d intervention humanitaire Aux fins d atteindre cet objectif la Commission a forg un nouveau concept la responsabilit de prot g er qui perm t de concilier plut t qu opposer les notions de souverainet et d intervention Depuis lors la responsabilit de prot g er a fait l objet de vives controverses en droit international Int gr e dans une r solution de l Assembl e g n rale de l ONU en septembre 2005 appliqu e par le Conseil de s curit lors des crises en C te d Ivoire et en Libye de mars 2011 le concept se trouve aujourd hui au centre des d bats se rapportant au cadre juridique de la protection des populations civiles Le pr sent ouvrage entend examiner les diff rentes implications juridiques de la responsabilit de prot g er en optant pour une d marche r solument positiviste La r flexion propos e tente d embrasser les diff rents aspects tant conceptuels qu op rationnels aux fins d aboutir une tude globale synth tique et actualis e du concept Partant une interrogation commandera l ensemble de la r flexion l mergence de la responsabilit de prot g er a t elle en droit international permis une am lioration de la protection des populations civiles L ouvrage se destine aux tudants en droit et en sciences politiques ainsi qu aux universitaires dont les recherches portent sur le droit international public le droit humanitaire et le droit de la s curit internationale Il pourra galement int resser toute personne diplomate journaliste candidats aux concours de la fonction publique etc s int ressant un concept clef des relations internationales contemporaines

Bibliographie Mensuelle United Nations Library (Geneva, Switzerland), 1997

A Verdadeira Guerra - A Invasão da Ucrânia e a Defesa Nacional Portuguesa Nuno Rogeiro, 2023-09-01 Uma vis o panor mica da invas o da Ucr nia e uma reflex o profunda sobre as suas consequ ncias na defesa nacional portuguesa A an lise geopol tica estrat gica t tica e de Direito Internacional a descri o pormenorizada dos aspectos t cnicos da guerra a revela o de factos desconhecidos a partir de documentos e testemunhos at agora confidenciais o tra ar dos cen rios de evolu o mais plaus veis e o coment rio detalhado sobre protagonistas vis veis ou discretos O primeiro livro sobre o conflito que engloba todas as evolu es e subterr neos recentes

Bibliographie de la Cour Internationale de Justice , 1996

Humanité, humanitaire Olivier Abel, 1998 Au cours de l ann e 1996 97 l cole des Sciences philosophiques et religieuses a organis une conf rrence et une journ e d tudes ax es sur ce couple de notions qui condensent nombre de questions fondamentales de notre temps Les

profondes tribulations de notre époque semblent bien liées au déclin des références absolues et des idéologies si résilientes et monolithiques. Mais au désenchantement moral et au désarroi de la pensée que redoublent les incertitudes économiques et politiques répondent un peu partout une protestation et un refus du fatalisme qui se traduisent sous la forme de la réflexion critique et sous la forme plus spectaculaire sans doute de l'action animées d'une volonté de transcender les particularismes et l'egoisme frileux. Un nouvel élan de générosité de risque d'aventure même surgit au nom d'idées humanitaires. Cette effervescence d'initiatives force de revenir sur le sens de ces idées qui au fond de manière explicite ou confuse en appellent la valeur nodale d'humanité. L'action humanitaire autant pour ceux qui la portent sur le terrain de la détresse du désarroi et de la souffrance que pour ceux qui la soutiennent de plus loin comporte évidemment des enjeux politiques juridiques philosophiques économiques et culturels d'une telle ampleur qu'il faut s'accorder du temps pour la penser. Une telle exigence de pensée ne peut en l'occasion prendre réellement forme sans le débat et le dialogue. C'est d'un tel travail de fond que témoigne cet ouvrage. La notion d'humanité s'y trouve interrogée à partir des contradictions des ambiguïtés et des effets paradoxaux des actions humanitaires et des débats juridiques ou économiques qui tentent de s'en inspirer.

Sécurité humaine et responsabilité de protéger Hassan Abdelhamid, Michel Bélanger (juriste).), Jean-Marie Crouzatier (juriste).), 2009

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