

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 73rd 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."¹ 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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1. United Nations International Law Commission, Draft Conclusions. Identification and legal consequences of peremptory norms of general international law (*jus cogens*), 2022. Available at: https://legal.un.org/ilc/texts/instruments/english/draft_articles/1_14_2022.pdf, p.85, accessed on: 21 October 2022.

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, of 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. [Transcending Monolingualism: Linguistic Revitalization in Education](#) A.

Camilleri, L. Huss, K. King, 2014-06-17 This volume describes a wide range of educational situations where linguistic revitalization is currently taking place.

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.

Indigenous Language Revitalization in the Americas Serafín M. Coronel-Molina, Teresa L. McCarty, 2016-04-28 Focusing on the Americas, home to 40 to 50 million Indigenous people, this book explores the history and current state of Indigenous language revitalization across this vast region. Complementary chapters on the USA and Canada and Latin America and the Caribbean offer a panoramic view while tracing nuanced trajectories of top-down official and bottom-up grass-roots language planning and policy initiatives. Authored by leading Indigenous and non-Indigenous scholars, the book is organized around seven overarching themes: Policy and Politics; Processes of Language Shift and Revitalization; The Home-School-Community Interface; Local and Global Perspectives; Linguistic Human Rights; Revitalization Programs and Impacts; New Domains for Indigenous Languages. Providing a comprehensive hemisphere-wide scholarly and practical source

this singular collection simultaneously fills a gap in the language revitalization literature and contributes to Indigenous language revitalization efforts *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 just 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 **Global Environment Problems And Policies Vol# 4** Ed. K.R. Gupta, Klaus Bosselmann & Prasenjit Maiti, 2008-04 *Achieving Inclusionary Governance: Advancing Peace and Development in First and Third World Nations* Terrence Paupp, 2021-10-01 This work shows that not only is inclusionary governance possible but that the essential legal foundation is already in place all that is required is the compliance of nations with their obligations under international human rights law and the centuries old nation state dominated war oriented balance of power will be gone forever Achieving Inclusionary Governance is an essential starting point for any study or project that aims to pursue in today's globalized environment the democratic tradition on its historically mandated way to realizing the political civil and socioeconomic rights of all people Published under the Transnational Publishers imprint **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 **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 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 **Indigenous Languages Revitalized?: The Decline and Revitalization** □□□□, 2000-08

Revitalization of the American Passenger Fleet United States. Congress. Senate. Committee on Commerce, Science, and Transportation. Subcommittee on Merchant Marine and Tourism, 1979 Uranium Revitalization, Tailings Reclamation, and Enrichment Legislation United States. Congress. House. Committee on Interior and Insular Affairs. Subcommittee on Energy and the Environment, 1989 **Indigenous Adult Language Revitalization and Education** Kaarina Määttä, Erika Katjaana Sarivaara, Satu Uusiautti, 2019-06-04 Indigenous languages are endangered and questions of revitalization are topical in today's climate This book deals with adult education and the topic of adults reclaiming their ancestral language The themes addressed here cover indigeneity and identification with and membership in indigenous groups on an individual level The volume contemplates the preconditions of belonging to an indigenous people and the definitions of indigeneity It also contains discussions of indigenous research and provides new perspectives on methods suitable for recording indigenous people's voices and experiences The text uses the S mi people in Finland as the example focusing on political identity and indigenous S mi status **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 co operate 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

Uniformed Services Health Professions Revitalization Act of 1971 United States. Congress. Senate. Committee on Armed Services. Subcommittee on General Legislation,1972

The Alien Tort Claims Act Anthony D'amato,Ralph Steinhardt,2023-07-03 The Alien Tort Claims Act is virtually unique in U S legislation for its clear recognition of international human rights This unparalleled collection of essays the only extensive work on the Act draws together the best analyses and interpretations written to date under the editorship of two of America s most untraditional and imaginative theorists of international law and makes a formidable case for the Alien Tort Claims Act as a powerful tool for all lawyers regardless of specialization The book includes an exhaustive annotated bibliography Published under the Transnational Publishers imprint

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