New acquisitions of the Library

November to mid-December 2010

Nouvelles acquisitions de la Bibliothèque

novembre à mi-décembre 2010
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AIR WARFARE

Civil aircraft as weapons of large-scale destruction: countermeasures, article 3bis of the Chicago Convention, and the newly adopted German "Luftsicherheitsgesetz" / Robin Geiss. - Fall 2005. - p. 227-256. - In: Michigan journal of international law Vol. 27, no. 1 341.38/72 (Br.)

Commentary on the HPCR manual on international law applicable to air and missile warfare / Program on Humanitarian Policy and Conflict Research at Harvard University (HPCR). - Cambridge, MA : Program on Humanitarian Policy and Conflict Research at Harvard University, 2010. - VI, 323 p. ; 30 cm 341.226/54


ARMS

Convención sobre la prohibición del empleo, almacenamiento, producción y transferencia de minas antipersonal y sobre su destrucción / CICR ; [prólogo de Jakob Kellenberger]. - Ginebra : CICR, abril de 2009. - 32 p. ; 23 cm 341.67/500 (SPA Br.)


"Incapacitating chemical agents": implications for international law: expert meeting: Montreux, Switzerland, 24 to 26 March 2010 / ICRC. - Geneva : ICRC, October 2010. - 82 p. ; 30 cm. - (Report) The issues addressed in the meeting included the following: - The human impact of "incapacitating chemical agents", including their feasibility, certain practical implications that would arise with their use and also ethical issues for health professionals that would be associated with their use; - Possible operational contexts in which "incapacitating chemical agents" might be deployed for use; - Potential implications for international law - including International Humanitarian Law and Human Rights Law - that might arise from the use of "incapacitating chemical agents"; and - Potential strategies and recommendations for
addressing potential negative implications for International Law from the development and use of "incapacitating chemical agents". This report contains summaries by the speakers of their presentations, ICRC summaries of the discussions and the ICRC's summary points on key themes that emerged from the meeting. At the end are some final remarks by the ICRC.

341.67/678

BIOGRAPHY


CHILDREN


Justice for child soldiers ? : the RUF trial of the special court for Sierra Leone / Gus Waschefort. - 2010. - p. 189-204. - In: Journal of international humanitarian legal studies Vol. 1, no. 1

The Revolutionary United Front (RUF) was the primary agitator during the decade-long civil war that ravaged Sierra Leone. One of the hallmarks of RUF tactics was the abduction and military use of children. The Special Court for Sierra Leone (SCSL) issued an indictment against the high-command of the RUF. Each of the accused was charged with the enlistment, conscription or use of child soldiers. The Prosecutor v. Sesay, Kallon and Gbao case (RUF case) provides a cogent account of the crime of conscripting or using children younger than fifteen in hostilities. This paper tracks the development of the growing child soldier jurisprudence and plots the contribution of the RUF case. Specific emphasis is placed on the Court's application of abstract concepts to concrete situations, e.g. the determination whether a specific instance of child soldier use amounts to the child's 'active participation in hostilities'. The paper follows a progression whereby the chapeau requirements of Article 4 of the Statute of the SCSL are first assessed and thereafter the actus reus and mens rea elements of the substantive crime of enlisting, conscripting or using children in hostilities are examined in light of the RUF case.


CIVILIANS


This study examines the United Nation's efforts to implement protection of civilians mandates in UN peacekeeping operations. The study traces protection of civilian mandates from their elaboration in Security Council resolutions to their implementation in the field. Four peacekeeping missions are examined in greater depth to illustrate the challenges confronting them: MONUC, in the Democratic Republic of the Congo (DRC); UNCI, in Côte d'Ivoire; and UNMIS and UNAMID in Sudan.

CONFLICT-VIOLENCE AND SECURITY


Military operations in urban areas / Alexandre Vautravers. - June 2010. - p. 437-452. - In: International review of the Red Cross Vol. 92, no. 878

Armies have traditionally avoided cities and siege operations. Fighting for and in cities is costly, slow, and often inconclusive. But sometimes they are unavoidable, either because they are located on main road or rail junctions or because of their value as political and/or economic prizes. Urban expansion in both north and south has made cities today the main theatres of military and humanitarian operations. Armies' structures, equipment, and doctrines are undergoing a process of adaptation. Manoeuvre has given way to fire power and protection for the troops as the decisive elements of military power. While heavy fire power does considerable damage and causes civilians to flee their homes, operations using protection techniques are only suitable for stabilization. Moreover, their success depends essentially on the willingness of troops to make sacrifices, and on support from the public.


This report looks at innovation in the use of technology along the timeline of crisis response, from emergency preparedness and alerts to recovery and rebuilding. It profiles organizations whose work is advancing the frontlines of innovation, offers an overview of international efforts to increase sophistication in the use of IT and social networks during emergencies, and provides recommendations for how governments, aid groups and international organizations can leverage this innovation to improve community resilience.


Organized crime and gang violence are global phenomena that often emerge in urban areas. Although they are not new, states only recently began to perceive them as serious threats to public security. Laws specifically designed to combat them have consequently been enacted. This article outlines the difficulties of dealing adequately in legal terms with these phenomena and analyses the different approaches adopted so far at the national and international level.

Content: 1° Conflict mediation: experiences and practices (the Uppsala mediation days). 2° The responsibility to protect (views from a panel debate). 3° Mass violence, women, protection and prosecution (the Voksenasen papers).


Territorial gangs are among today’s main perpetrators of urban violence, affecting the lives of millions of other people. They try to gain control of a territory in which they then oversee all criminal activities and/or ‘protect’ the people. Such gangs are found to differing degrees on every continent, although those given the most media attention operate in Central America. The violence that they cause has a major impact on the population in general and on their members’ families, as well as on the members themselves. Humanitarian organizations may find themselves having to deal with territorial gangs in the course of their ‘normal’ activities in a gang’s area, but also when the humanitarian needs per se of people controlled by a gang justify action. This article looks at some courses of action that may be taken by humanitarian agencies in an environment of this nature: dialogue with the gangs (including how to create a degree of trust), education, services, and dialogue on fundamental issues. Such action only makes sense over the medium to long term; it may have a very positive impact but only allows the symptoms of a deep-seated problem to be treated.

Understanding gangs as armed groups / Jennifer M. Hazen. - June 2010. - p. 369-386. - In: International review of the Red Cross Vol. 92, no. 878
Gangs have long been considered a source of violence and insecurity, but they are increasingly identified as a cause of instability and a threat to the state. Yet gangs operate mainly in non-conflict settings, raising questions about whether applying a conflict lens to understand gangs is appropriate. Marked differences appear between armed groups and gangs when considering concepts of ungoverned spaces, the state, violence, and sustainability. Few gangs reach the threshold of posing a direct challenge to the state; this makes comparisons with other armed groups difficult and suggests the need for a more specific analytical lens.

La frontière qui sépare les troubles et les tensions internes des conflits armés pouvant parfois être ténue, la seule manière de qualifier des situations particulières est d’examiner chaque cas individuellement. L’intensité de la violence est le facteur déterminant essentiel. Une telle qualification a des conséquences directes, tant pour les forces armées et les autorités civiles que pour les victimes de la violence. Elle détermine en effet les règles applicables, et le degré de protection qu’elles garantissent est déterminé en fonction de la situation juridique. Cette brochure présente de manière succincte trois catégories de situations juridiques différentes : les conflits armés, les situations autres que les conflits armés, et les opérations de soutien de la paix. Elle examine également leurs définitions, le droit applicable, les incidences pratiques et le rôle du CICR.

Comme l'illustrent les faits quotidiens, la menace d'attaque contre les systèmes d'information des États est devenue un des éléments essentiels à prendre en compte dans toute stratégie de défense et de sécurité nationale. Ainsi, dans la Quadrennial Defense Review 2010, les États-Unis affirment l’impérative nécessité de défendre les réseaux informatiques. L'informatique de combat reste encore une prescience qui doit être portée par une réflexion stratégique sans limiter son impact à une seule extension de capacités d'échange mais en considérant sa place dans une rupture stratégique.
DETENTION


345.1/579


323.2/561 (Br.)


431/66 (Br.)


431/217

Succès et limites des puissances protectrices : le cas des prisonniers civils et militaires dans l'ouest de la France pendant la première guerre mondiale / Ronan Richard. - été 2010. - p. 61-74. - In: Relations internationales No 143

ECONOMY


Armed conflicts are always harmful for civilians and hence all attempts should be made to avoid them. However, considering that armed conflicts do occur, economic sanctions provide States with a viable alternative. This Article illustrates the need for limitations on the use of economic sanctions. It describes the characteristics of economic sanctions and the existing International Humanitarian Law (IHL) limitations and also suggests that economic sanctions should be further regulated offering three main principles to guide these limitations: the principle of severity, according to which the most severe economic sanctions should be prohibited; the principle of effectiveness, according to which economic sanctions should be allowed only if the State imposing the sanctions can plausibly demonstrate that the sanctions are effective; and the principle of conditionality, according to which the imposing State should declare specific achievable goals for the sanctions, and lift the sanctions immediately when these goals are achieved.

345.2/825


330/245

ENVIRONMENT

Climate change : food and nutrition security implications / Philippe Crahay... [et al.]. - early-2010. - p. 1-82 : tabl., graph., cartes. - In: SCN News No. 38. - Bibliographies

Contient notamment : - How is the water, sanitation and hygiene sector implicated in the link between undernutrition and climate change ? / J. Lapegue. - Climate change, AIDS and nutrition security : responding to long-wave processes / S. Gillespie. - The implications of climate change on food security in the Asia-Pacific region / Ya-Wen Betty Chiu et al.

363.7/95

363.7/92 (Br.)

**Natural resources, the environment and conflict** / African centre for the constructive resolutions of disputes (ACCORD), The Madariaga-College of Europe foundation. - Durban : ACCORD, 2009. - 52 p. : photogr., carte, diagr. ; 30 cm. - Photocopies. - Bibliographie : p. 47-52

This report was adapted from a paper prepared by ACCORD for a round-table discussion organised by the Madariaga-College of Europe Foundation, in Addis Ababa, Ethiopia, in September 2009. Fieldwork and desk research for the exploratory study, which led to this paper, was carried out between February and April 2009.

363.7/93 (Br.)


363.7/94 (Br.)

### GEOPOLITICS


323.15/21


**Interview with Dennis Rodgers** / by Toni Pfanner and Michael Siegrist. - June 2010. - p. 313-328. - In: International review of the Red Cross Vol. 92, no. 878 Dennis Rodgers is a social anthropologist by training, with a BA and a PhD from the University of Cambridge, as well as a postgraduate degree from the Graduate Institute of International Studies in Geneva, Switzerland. He is a Senior Research Fellow in the Brooks World Poverty Institute (BWPI), at the University of Manchester, UK and a Visiting Senior Fellow with the London School of Economics Crisis States Research Centre. He was also a member of a Nicaraguan youth gang for a year.


323.12/COL 16


323.14/41


323.13/21

Library's new acquisitions: November to mid-December 2010


On 27 April 1994, all South Africans were permitted to vote for the first time, signalling the birth of a democratic state built on a constitutional democracy. Yet the wrath of gang-related activities in townships and other urban areas was clearly visible, as was the xenophobic violence that shocked the world. Very often the vast majority of victims have been innocent civilians, and especially women and children. This article gives an overview of the various forms of violence in South Africa and also briefly considers the state’s responses to them within the various legal frameworks.


HEALTH-MEDICINE


HISTORY


The Third Reich and the Holocaust in Romania, 1940-1944 : documents from the German archives = Al III-lea Reich si Holocaustul din România, 1940-1944 : documente din arhivele germane / Ottmar Trasca, Dennis Deletant (editors) ; selection, translation from German and notes by Ottmar Trasca ; introductory study by Dennis Deletant. - Bucuresti : The "Elie Wiesel" national institute for the study of the Holocaust in Romania, 2007. - 831 p. ; 25 cm. - Index. - ISBN 9789738835405

HUMAN RIGHTS


345.1/580

345.1/576

The paper critically reviews the challenges facing the European Court of Human Rights when hearing claims being brought under Article 2 of the European Convention on Human Rights in relation to the phenomena of enforced disappearances as a result of the internal armed conflicts of Turkey and Chechnya. The paper traces the phenomenal and, oftentimes, controversial evolution of the associated jurisprudence and provides evidence of judicial disparities and inconsistencies that are not easily rationalised. Such inconsistencies suggest that whilst Strasbourg’s intention may be to ensure accountability in the face of adversity and human atrocities, its noble cause may be based on judicially unsubstantial foundations.
345.1/472 (Br.)

The right to a remedy and to reparation for gross human rights violations : a practitioner’s guide / International commission of jurists ; [this guide was researched and written by Cordula Droege]. - Geneva : International commission of jurists, December 2006. - 260 p. ; 22 cm. - (Practitioners’ guide series ; no. 2). - Index. - ISBN 9789290371069
345.1/479

Accountability for international intervention/protection activities / Martin L. Cook. - August 2010. - p. 129-141. - In: Criminal justice ethics Vol. 29, no. 2. - Photocopies
361/542

361/542

A new survey revealing how the world powers – known as the G20 – perceive today’s top challenges. The consultation was conducted from end-August to end-October 2009.
361/539 (Br.)

361/542

361/540

Der Darfur-Konflikt : Macht und Ohnmacht der humanitären internationalen Hilfe und die Relevanz des Code of Conduct / vorgelegt von Ulrike Pamuk. - [S.I.] : [s.n.],
The ethics of intervention/protection: contending approaches / George J. Andreopoulos... [et al.]. - August 2010. - p. 73-207. - In: Criminal justice ethics Vol. 29, no. 2. - Photocopies

The evolving discourse on human protection / George J. Andreopoulos and Leonid Lantsman. - From humanitarian intervention (HI) to responsibility to protect (R2P) / Dorota Gierycz. - Accountability for international intervention/protection activities / Martin L. Cook. - Assessing the African Union's right of humanitarian intervention / Kwame Akonor. - Intervention and protection in African crisis situations : evolution and ethical challenges / Mireille Affa'a Mindzie. - "Not in our name" : why Médecins Sans Frontières does not support the "responsibility to protect" / Fabrice Weissman


Humanitarian intervention and the responsibility to protect : redefining a role for "kind-hearted gunmen" / Francis Kofi Abiew. - August 2010. - p. 93-109. - In: Criminal justice ethics Vol. 29, no. 2. - Photocopies


The report looks at the perceptions of humanitarian organisations, humanitarianism and aid from the perspective of affected communities. It looks at how humanitarian assistance was delivered in the aftermath of the spring/summer 2009 IDP crisis and to what extent did it meet the needs of affected populations. It also explores issues of partnership between UN, INGOs and national and local NGOs and accountability to affected populations.

This article reviews the prevailing explanations, assumptions, and research on why humanitarian actors experience security threats. The scholarly literature on humanitarian action is fecund and abundant, yet no comparative review of the research on humanitarian security and scholarly sources on humanitarian action exists to date. The central argument here is twofold. First, an epistemic gap exists between one stream that focuses primarily on documenting violence against aid workers — a proximate cause approach — while a second literature proposes explanations, or deep causes, often without corresponding empirical evidence. Moreover, the deep cause literature emphasizes external, changing global conditions to the neglect of other possible micro and internal explanations. Both of these have negative implications for our understanding of and therefore strategies to address security threats against aid workers.


A number of states are faced with the challenge of ensuring the harmonious development of rapidly expanding cities and of offering a growing population public services worthy of the name in the fields of security, health, and education. That challenge is even more difficult and more pressing because violence may erupt (hunger riots, clashes between territorial gangs or ethnic communities, acts of xenophobic violence directed against migrants, and so on) — violence that does not generally escalate to the point of becoming an armed conflict but that is murderous nevertheless. On the basis of the experience of the International Committee of the Red Cross and of its partners, as well as reports by academic specialists, this article describes the vulnerability of the poorest and of migrants in urban areas. It presents the difficulties with which humanitarian organizations, which are often accustomed to working in rural areas, have to contend. Lastly, it describes innovative responses, from which much can be learned: income-generating micro-projects, aid in the form of cash or vouchers, urban agriculture, and the establishment of violence-prevention or health-promotion programmes to protect those affected by armed violence in disadvantaged areas.

The International Committee of the Red Cross has often been maligned for its actions, or lack thereof, during the Second World War. In particular the Committee has been criticised for its apparent inability to compromise its mandate to provide impartial and non-politicised relief. This article discusses some of the problems of this interpretation of ICRC history by showing that, contrary to the image of the ICRC as a “well-meaning amateur”, the Committee responded to
the challenges of the Second World War with a series of bold initiatives that were crucial to the organisation's long-term development. Not only did these initiatives improve the success of the ICRC's humanitarian mission, but they also stand as testament to an organisation that, though devoid of diplomatic status and political power, was able to conduct its work whilst being restricted by the policies of belligerent governments and the physical dangers of total war.


Une puissance protectrice inédite : la "mission" Wehrlin du CICR à Moscou (1920-1938) / Peter Huber, Jean-François Pitteloud. - été 2010. - p. 89-101. - In: Relations internationales No 143

Responsible politics of the neutral : rethinking international humanitarianism in the Red Cross Movement via the philosophy of Roland Barthes / Mark F. N. Franke. - 2010. - p. 142-160. - In: Journal of international political theory Vol. 6, no. 2. - Photocopies. - Bibliographie : p. 157-160

The International Committee of the Red Cross offers a dilemma for international political theory. ICRC's success as a humanitarian actor in international conflict is credited to its neutral stance. However, ICRC neutrality is vulnerable to serious challenges regarding its supposed avoidance of the political. ICRC neutrality is commonly dismissed as either illusory or impossible. The problem is not grounded in the principle of neutrality itself, though, but rather in the lack of critical engagement with what it means to be neutral on a humanitarian register. ICRC misreads the demands of neutrality in such ways as to permit both partiality and irresponsibility to its mission. Drawing from Roland Barthes' address of the neutral, I argue that international humanitarianism is possible as a neutral movement but that this neutrality can only be such through vigorous and fundamentally political movement responsible to the goals of human well-being and dignity as questions.

This manual seeks to guide investigative bodies, war crimes prosecutors, and judges engaged with the technicalities of pillage. It should also be useful for advocates, political institutions, and companies interested in curbing resource wars. It offers a roadmap of the law governing pillage as applied to the illegal exploitation of natural resources by corporations and their officers. The text traces the evolution of the prohibition against pillage from its earliest forms through the Nuremberg trials to today's national laws and international treaties. In doing so, Stewart provides a long-awaited blueprint for prosecuting corporate plunder during war.


344/518


La Belgique, jusqu'en 2003, et l'Espagne, jusqu'en 2009, avaient deux lois particulièrement avancées dans le domaine de la compétence universelle de leurs tribunaux, permettant de la qualifier d'"absolue". Face au recul de ces deux États par la modification restrictive de leurs instruments législatifs, il convient d'analyser dans une perspective comparative, dans la palette de solutions possibles offertes par le droit international aux États, quand, pourquoi et comment cette limitation a eu lieu. Si, dans les deux cas, un certain nombre de similitudes de fond émerge parmi les divergences de forme, des incertitudes en ce qui concernent leur application devront encore être résolues.

Under what conditions may belligerents be acquitted of the crime of attacking an ambulance? / Antonio Cassese. - May 2008. - p. 385-397. - In: Journal of international criminal justice Vol. 6, no. 2

INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES


The ICRC's published 'Interpretive Guidance on the Notion of Direct Participation' by civilians in hostilities contributes usefully to the debate but is flawed. It creates an imbalance between members of the armed forces on the one hand, who are targetable at all times, and members of organised armed groups who do not have a continuous combat function, and civilians who persistently participate in hostilities on the other, who are said to be protected during intervals between specific acts of hostility. This imbalance is exacerbated by assertions that there is a presumption at law that civilians are not directly participating, that to be DPH there must be a single causal step linking the civilian's activity with the hostilities, that voluntary human shields may not be direct participants and that periods of preparation for, deployment towards and return from acts of direct participation, during which a civilian is liable to lawful attack, must be interpreted restrictively. This article takes aspects of the interpretive guidance in turn, analysing them to determine their legal and practical acceptability. It concludes that states must consider the guidance with some caution before determining their own position on this vexed issue.

345.25/239


A survey of contemporary armed conflicts indicates that major military powers are increasingly facing militarily weaker adversaries and being drawn into unconventional engagements in cities, towns, and villages. Given the asymmetry of military capabilities in such conflicts, it is submitted
that higher standards of reasonableness be imposed upon military commanders of major military powers to ensure constant care for civilian populations, and furthermore that civilian populations be spared more effectively from the effects of urban warfare by applying customary law ab initio, in order to avoid gaps in protection that may arise from the premature classification of armed conflicts.


INTERNATIONAL HUMANITARIAN LAW-GENERALITIES


Mixing apples and hand grenades : the logical limit of applying human rights norms to armed conflict / Geoffrey Corn. - 2010. - p. 52-94 : tabl.. - In: Journal of international humanitarian legal studies Vol. 1, no. 1 One of the most complex contemporary debates related to the regulation of armed conflict is the relationship between international humanitarian law (or the law of armed conflict) and international human rights law. Since human rights experts first began advocating for the complementary application of these two bodies of law, there has been a steady march of human rights application into an area formerly subject to the exclusive regulation of the law of armed conflict (LOAC). While the legal aspects of this debate are both complex and fascinating, like all areas of conflict regulation the outcome must ultimately produce guidelines that can be translated into an effective operational framework for war-fighters. In an era of an already complex and often confused battle space, there can be little tolerance for adding complexity and confusion to the rules that war-fighters must apply in the execution of their missions. Instead, clarity is essential to aid them in navigating this complexity. This article will explore this debate from a military operational perspective. It asserts the invalidity of extreme views in this complementarily debate, and that the inevitable invocation of human rights obligations in the context of armed conflict necessitates a careful assessment of where symmetry between these two sources of law is operationally logical and where that logic dissipates.

Pragmatism and principle in international humanitarian law / Michael M. Lieberman. - 2009. - p. 150-167. - In: Israel law review Vol. 42, no. 1 As we seek to identify new norms to bridge the gaps between extant law and the challenges that new conflict modes pose today, we confront a threshold question as to which methodological ground we should stand upon in doing so. Based on a background assumption of positivism as the source of substantive norms, the issue for some observers comes down to a clash between pragmatism and formalism. To formalism’s proponents, the concept of
pragmatism—which sees law as a functional instrument to be used in pursuit of pre-envisioned ends—has contributed to a dearth of moral obligation in international humanitarian law discourse. Such a view considers that the emphasis on empiricism found in pragmatism both legitimizes and shrouds the reality of effective power lurking behind the law. The alternative they prefer, championed most articulately by Professor Koskenniemi, is a “culture of formalism” that sees law as an object of universal obligation and as a form of critique that unmasks the pragmatic mode for what it is, namely, a rationalization of might. As this Article suggests, this understanding misapprehends the true nature of pragmatism, which is neither a smokescreen nor an apology. Rather, pragmatism’s focus on real-world effects and consequences holds far greater promise for advancing the actual humanitarianism of IHL. Formalism, moreover, is subsumed within the constellation of factors that pragmatic analysis demands. These ideas are explored on a theoretical level, and are then illustrated by a look at the Israel separation barrier cases decided by the International Court of Justice and the Israeli High Court of Justice.

Symposium on complementing international humanitarian law: exploring the need for additional norms to govern contemporary conflict situations / David Kretzmer... [et al.]. - 2009. - 205 p. - In: Israel law review Vol. 42, no. 1
Contient notamment : Economic sanctions in IHL : suggested principles / A. Cohen. - The law applicable to non-occupied Gaza : a comment on Bassiouoni v. the Prime Minister of Israel / Y. Shany. - Rethinking the application of IHL in non-international armed conflicts / D. Kretzmer. - Pragmatism and principle in international humanitarian law / M. M. Lieberman. - The internal legal order of the European Union as a complementary framework for its obligations under IHL / V. Falco

In Hamdan v. Rumsfeld, the Supreme Court carried forward the international legal debate over the nature and regulation of armed conflicts between state and non-state actors that go beyond the territory of the state. According to the prevailing interpretation of the Hamdan decision held by both scholars and the current Administration, the Court identified such conflicts as armed conflicts not of an international character, which are governed by Common Article 3 of the Geneva Conventions. One of the implications of this interpretation is that al Qaeda detainees are entitled only to the minimal protections enshrined in Common Article 3. This Article challenges this interpretation by arguing that the Court deliberately avoided determining both the nature of the conflict in which the petitioner was captured and the nature of the applicable legal regime. While the Court indeed applied Common Article 3 to this conflict, it regarded Common Article 3 as a minimum rather than necessarily as an exhaustive legal regime. The boundaries that the Court marked for future debate are therefore much wider than understood by many thus far. The Article ends with a call to the Administration to revisit its interpretation of the decision and consider whether al Qaeda detainees are legally entitled to further protections beyond those afforded in Common Article 3.

This Article offers a critical evaluation of the treatment of the suitability of applying human rights law to occupation situations offered by the English House of Lords in the Al-Skeini judgment of 2007. Al-Skeini concerned the application of the European Convention on Human Rights
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(ECHR) to the United Kingdom in Iraq. In the decision, the majority asserted that the application of human rights law would amount to a form of “imperialism” in requiring an occupying State to impose culturally inappropriate norms in occupied territory. They also found that its application would undermine the status quo norm contained in occupation law, by obliging an occupying State to transform the legal system in occupied territory in order to bring it in line with the human rights standards in play. This Article argues that these two assertions are based on a mistaken understanding of the substantive meaning of human rights obligations in occupation situations, and the effect on this meaning of the interface with other areas of international law. It is suggested that the fear of “human rights imperialism” is, as articulated here, misconceived; that applying human rights law to occupation situations may not actually involve breaching the law of occupation; and that in any case a more sophisticated approach to the question of clashes in normative regimes needs to be adopted.

345.2/825

The law applicable to non-occupied Gaza : a comment on Bassiouni v. the Prime Minister of Israel / Yuval Shany. - 2009. - p. 101-116. - In: Israel law review Vol. 42, no. 1

Although Israel no longer effectively controls Gaza, Israel’s of overwhelming physical dominance over Gaza, coupled with the historical links of dependence, were likely central to the balancing formula applied by the High Court of Justice in Bassiouni v. The Prime Minister. The proposed solution—Israel assumes obligations that go beyond the requirements of International Humanitarian Law (IHL) in situations of siege but that fall short of the requirements applicable in situations of occupation—is the “basic humanitarian needs” standard. The main weakness of the Court’s decision is not the final outcome it prescribes but the underdeveloped legal analysis of the alternative grounds for imposing obligations on the Israel. This unnecessarily complicates attempts to grasp the full implications of the decision and to identify its precedential value. However, the judgment should be viewed as endorsing the need to step outside IHL and look for additional legal norms governing humanitarian interests which may reflect our moral sensibilities and contemporary needs in a more appropriate manner than the traditional rules of IHL.

345.2/825

The occupation of Iraq / Clyde J. Tate... [et al.]. - 2010. - p. 209-286. - In: International law studies Vol. 86


The war in Iraq : a legal analysis / Raul A. Pedrozo, ed.. - 2010. - 494 p.. - In: International law studies Vol. 86


INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS


345.2/828


The internal legal order of the European Union as a complementary framework for its obligations under IHL / Valentina Falco. - 2009. - p. 168-205. - In: Israel law review Vol. 42, no. 1
When exploring the sources of International Humanitarian Law (IHL) obligations of multinational peacekeeping forces, legal scholars have thus far focused mainly on the UN (and, to a lesser extent, NATO), whilst other organizations have remained largely in the shadows. Whereas the UN Secretary-General’s Bulletin on the Observance by UN Forces of International Humanitarian Law has been widely debated and extensively investigated, little or no attention has been paid to self-regulatory solutions adopted by other international and regional organizations. This Article focuses on the European Union (EU), holding that this regional organization—by virtue of its sui generis nature and of its increasing engagement in the field of crisis management—can be regarded as one of the most interesting newcomers to the realm of jus in bello. More specifically, it looks at the EU’s internal legal order with a view to verifying whether and to what extent it may complement customary IHL in regulating the conduct of the EU as a military actor. The Article surveys the primary and secondary sources of EU legislation which may prima facie spell out obligations for the EU-led troops engaged in European Security and Defence Policy military operations. Finally, the Article seeks to draw some broader conclusions on the nature of the relationship between EU law and IHL, as well as on the complementarity and inherent normative value of their sources.

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345.29/151

Contient notamment : The position under international humanitarian law / E. Gillard. - Responsibility in the human rights framework / F. Hampson. - The Swiss initiative in close cooperation with the ICRC / M. Cottier and E. Gillard

345.29/152


345.29/150

Taking armed groups seriously : ways to improve their compliance with international humanitarian law / Marco Sassòli. - 2010. - p. 5-51. - In: Journal of international humanitarian legal studies Vol. 11, no. 1
Most contemporary armed conflicts are not of an international character. International Humanitarian Law (IHL) applicable to these conflicts is equally binding on non-State armed groups as it is on States. The legal mechanisms for its implementation are, however, still mainly geared toward States. The author considers that the perspective of such groups and the difficulties for them in applying IHL should be taken into account in order to make the law more realistic and more often respected. It is submitted that the law is currently often developed and interpreted without taking into account the realities of armed groups. This contribution explores how armed groups could be involved in the development, interpretation and operationalization of the law. It argues that armed groups should be allowed to accept IHL formally, to create - amongst other things - a certain sense of ownership. Their respect of the law should also be rewarded. Possible methods to encourage, monitor and control respect of IHL by armed groups are described. The author suggests in particular that armed groups should be allowed and encouraged to report on their implementation of IHL to an existing or newly created institution. Finally, in case of violations, this contribution proposes ways to apply criminal, civil and international responsibility, including sanctions, to non-State armed groups.
INTERNATIONAL HUMANITARIAN LAW-TYPE OF CONFLICT

The legal bases for military operations / Raul A. Pedrozo... [et al.]. - 2010. - p. 45-123. - In: International law studies Vol. 86


Rethinking the application of IHL in non-international armed conflicts / David Kretzmer. - 2009. - p. 8-45. - In: Israel law review Vol. 42, no. 1

The first step in application by treaty of IHL norms to non-international armed conflicts, adoption of Common Article 3 of the Geneva Conventions, 1949, was taken before the dramatic development of international human rights law (IHRL). The assumption was that unless international humanitarian law (IHL) norms were applied to such conflicts, the way States acted would be unrestrained by international law. With the development of IHRL this assumption is no longer valid. Application of IHL in such conflicts should therefore be re-examined. The Article argues that moving away from IHL in non-international armed conflicts should be based on the following principles: 1. In cases other than international armed conflicts, the presumption should be that the prevailing international legal regime is the human rights regime, based as it is on a law-enforcement model of law, rather than an armed conflict model. 2. The only justification for departure from that regime and for action under the armed conflict model, should be that the level and scope of organized armed violence are such that the State cannot reasonably be expected to act in accordance with the law-enforcement model. The rule of thumb in deciding whether this test has been met could be the definition of non-international armed conflicts adopted in APII. 3. There should be a return to the notion of minimum humanitarian standards or fundamental standards of humanity, which apply to all parties in all situations, whether armed conflict, internal violence, disturbances, tensions and public emergencies. 4. A State should not be allowed to employ the armed conflict model, without at least some of the norms of protection that this model affords parties in international armed conflicts. The ideal solution would be to demand that a State, which employs the armed conflict model has to draw the legal consequences and recognize as combatants those members of dissident forces who meet the substantive conditions of combatants under Article 4, paragraph 2 of Third Geneva Convention.

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Transnational armed conflicts have become a reality. The increasing sophistication of terrorist organizations, their increasingly transnational nature, and their development of military strike capabilities, push and will continue to push States to resort to combat power as a means to defend against this threat. Relying on the factual fiction that the acts of such terrorists must be attributable to the States from which they launch their operations, or on the legal fiction that the use of military combat power to respond to such threats is in reality just extraterritorial law enforcement, fails to acknowledge the essential nature of such operations. Because these operations invoke the authority of the LOAC, they should and must be treated as armed conflicts. LOAC principles must be identified and must be broad enough to provide the authority necessary to bring the transnational enemy to submission while ensuring that that authority does not override fundamental humanitarian protections for victims of war. This Article proposes three essential pillars of this regulatory foundation: military necessity, targeting (object/distinction and proportionality), and humane treatment. These principles provide the balance between authority and obligation that is so essential for the effective and disciplined application of combat power. Like the treatment of internal armed conflict, these pillars can form a foundation for a more comprehensive treatment of regulatory analysis, encompassing other issues such as command responsibility, criminal liability, access to judicial review, perfidy and treachery, and medical obligations.

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In Rio de Janeiro so-called drug factions hold control over most of the shanty towns. The State has reacted by ‘militarising’ its police operations. The result is a humanitarian tragedy that has already cost the lives of thousands of Brazilian citizens. Many of those affected by the violence are of the opinion that the city has become the battlefield of a ‘war’. This article addresses the issue of whether the legal concept of armed conflict could and should be applied to such situations.

**INTERNATIONAL ORGANIZATION-NGO-UNITED NATIONS**


"Not in our name" : why Médecins sans Frontières does not support the "responsibility to protect" / Fabrice Weissman. - August 2010. - P. 194-207. - In: Criminal justice ethics Vol. 29, no. 2. - Photocopies 361/542


**INTERNATIONAL RELATIONS**


**MEDIA**


**MISSING PERSONS**


**PROTECTION OF CULTURAL PROPERTY**


**PSYCHOLOGY**


Face à la perte, à l’adversité, à la souffrance que nous rencontrons tous un jour ou l’autre au cours de notre vie, plusieurs stratégies sont possibles: soit s’abandonner à la souffrance et faire une carrière de victime, soit faire quelque chose de sa souffrance pour la transcender. L’auteur est allé à la rencontre, ici et ailleurs dans les différentes cultures du monde, des blessés de la
vie, de ces "épouvantails" dont il se fait le biographe et dont il raconte comment ils ont su réparer leurs blessures et faire de leurs fragilités une force de vie.

150/77


150/78

PUBLIC INTERNATIONAL LAW

From humanitarian intervention (HI) to responsibility to protect (R2P) / Dorota Gierycz. - August 2010. - p. 110-128. - In: Criminal justice ethics Vol. 29, no. 2. - Photocopies

361/542


345/184


Law enforcement is not a task usually undertaken by military forces, at least within domestic legal contexts. Conversely, maintaining or restoring security within dysfunctional or 'post-conflict' areas of operation is a role commonly undertaken by them. Within these latter operations, the skill sets and highly calibrated application of force that are commonly associated with police forces in their law enforcement role are in fact manifested in a decisively military context. This article reviews the experiences and legal frameworks associated with military participation in two separate types of mission, namely UN-sponsored peace operations and unilateral/multilateral stabilization and counter-insurgency operations. It argues that these contexts have demanded a revised interpretative approach to the applicable law, one that is much more sensitive to social and political effect.


Réf. DIP 3-g (excluded from loan)


345/577

Rules of engagement handbook / drafting team Alan Coyle... [et al.]. - Sanremo : International institute of humanitarian law, November 2009. - XIII, 85 p. : tabl. ; 24 cm 345/490


345/576

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325.3/453

Internal displacement and the construction of peace: [summary report], Bogota, Colombia, 11-12 November 2008 / The Brookings Institution-University of Bern project on internal displacement... [et al.]. - Washington, DC : Brookings-Bern Project on Internal Displacement, 2008. - IX, 94 p. : graph. ; 26 cm
325.3/198

325.3/454

325.3/199

325.3/450

The ICRC and the World Food Program carried out an analysis of the local institutional response, living conditions and recommendations for the care of the population displaced as a result of violence in the cities of Barranquilla, Bogota, Cartagena, Florencia, Medellin, Santa Marta, Sincelejo and Villavicencio.
325.3/452

325.3/451

RELIGION

281/39

SEA WARFARE

A manual of the law of maritime warfare, embodying the decisions of Lord Stowell and other English judges, and of the American courts, and the opinions of the most eminent jurists: with an appendix of the official documents and correspondence in relation to the present war / by William Hazlitt and Henry Philip Roche; with a new introduction by William E. Butler; [Joseph Perkovich, general editor]. - Clark, N.J. : Lawbook Exchange,
347.799/129

WOMEN

Gender equality and refugee women / Alice Edwards... [et al.]. - 2010. - 121 p.. - In:
Refugee survey quarterly Vol. 29, no. 2
Content notamment: Refugee women : twenty years on / D. Buscher. - Gender and the
evolving refugee regime / S. F. Martin

Quelques apports des Tribunaux pénaux internationaux, ad hoc et notamment le TPIR, à
la lutte contre les violences sexuelles subies par les femmes durant les génocides et les
conflits armés / Mohammed Ayat. - 2010. - p. 787-827. - In: International criminal law review
Vol. 10, no. 5

Towards a typology of wartime rape / Elvan Isikozlu, Ananda S. Millard. - Bonn : Bonn
International Center for Conversion, September 2010. - 86 p. : photogr. ; 30 cm. - (Brief ; 43). -
Bibliographie : p. 70-85
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