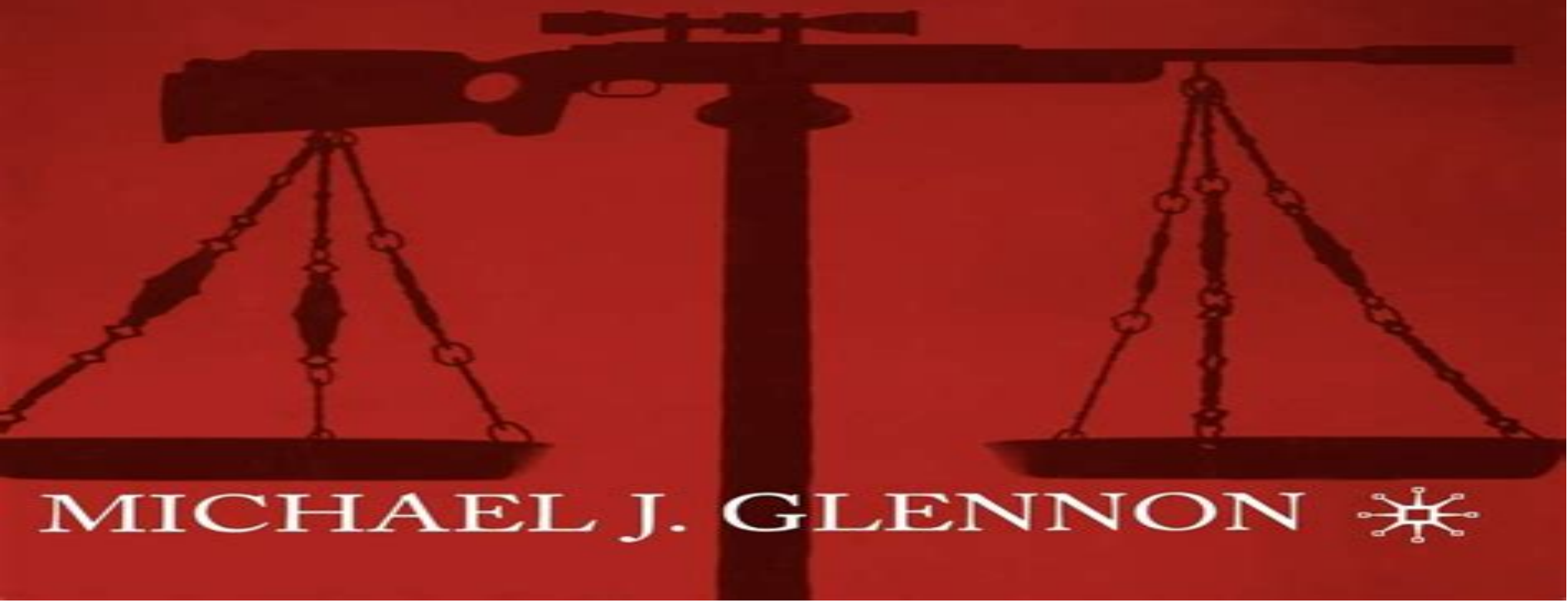


# Limits of Law, Prerogatives of Power

INTERVENTIONISM AFTER KOSOVO



MICHAEL J. GLENNON



# Limits Of Law Prerogatives Of Power Interventionism After Kosovo

**M. Glennon**



## **Limits Of Law Prerogatives Of Power Interventionism After Kosovo:**

Limits of Law, Prerogatives of Power M. Glennon, 2001-07-31 NATO's bombing of Yugoslavia was justified. NATO violated the United Nations Charter but nations have used armed force so often that the ban on non-defensive use of force has been cast into doubt. Dangerous cracks in the international legal order have surfaced, widened ironically by the UN Security Council itself which has ridden roughshod over the Charter's ban on intervention. Yet nations remain hopelessly divided on what the rules should be. An unplanned geopolitical order has thus emerged posing serious dilemmas for American policy makers in a world where intervention will be judged more by wisdom than by law.

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Humanitarian Intervention and the AU-ECOWAS Intervention Treaties Under International Law John-Mark Iyi, 2016-01-22 The book reconciles the conflicts and legal ambiguities between African Union and ECOWAS law on the use of force on the one hand and the UN Charter and international law on the other hand. In view of questions relating to African Union and UN relationship in the maintenance of international peace and security in Africa in recent years, the book examines the legal issues involved and how they can be resolved. By explaining the legal theory underpinning the validity of the AU-ECOWAS laws, the work provides a legal basis for the adoption of the AU-ECOWAS laws as the frameworks for the implementation of the R2P in Africa.

*The Oxford Handbook of the Use of Force in International Law* Marc Weller, 2015-01-15 The prohibition of the use of force in international law is one of the major achievements of international law in the past century. The attempt to outlaw war as a means of national policy and to establish a system of collective security after both World Wars resulted in the creation of the United Nations Charter which remains a principal point of reference for the law on the use of force to this day. There have, however, been considerable challenges to the law on the prohibition of the use of force in international law. This Oxford Handbook is a comprehensive and authoritative study of the modern law on the use of force. Over seventy experts in the field offer a detailed analysis and, to an extent, a restatement of the law in this area. The Handbook reviews the status of the law on the use of force

and assesses what changes if any have occurred in consequence to recent developments. It offers cutting edge and up to date scholarship on all major aspects of the prohibition of the use of force. The work is set in context by an extensive introductory section reviewing the history of the subject, recent challenges and addressing major conceptual approaches. Its second part addresses collective security in particular the law and practice of the United Nations organs and of regional organizations and arrangements. It then considers the substance of the prohibition of the use of force and of the right to self defence and associated doctrines. The next section is devoted to armed action undertaken on behalf of peoples and populations. This includes self determination, conflicts, resistance to armed occupation and forcible humanitarian and pro democratic action. The possibility of the revival of classical expansive justifications for the use of force is then addressed. This is matched by a final section considering new security challenges and the emerging law in relation to them. Finally the key arguments developed in the book are tied together in a substantive conclusion. The Handbook will be essential reading for scholars and students of international law and the use of force and legal advisers to both government and NGOs.

The Prevention and Intervention of Genocide Samuel Totten, 2008-03-31. This volume is comprised of over 2 300 annotations on a wide array of issues and topics germane to the subject of preventing the atrocities of genocide and managing these conflicts when they do arise. Samuel Totten brings together in one comprehensive collection the research and findings in various fields such as political science, sociology, history and psychology to enable specialists in genocide studies, peace studies and conflict resolution to benefit from the insights of a diverse range of scholars and foster an understanding of how the various components of genocide studies connect. Among the topics included are key conventions, international treaties and covenants, genocide, early warning signals and forecasting, risk data bases, sanctions, peacekeeping missions, conflict resolution, the International Criminal Court, realpolitik vis vis the issue of genocide prevention and intervention, key non governmental agencies, key governmental and UN bodies working on these important issues. In addition to the annotations, Totten frames the bibliography with a major essay that introduces the reader to the subject of prevention and intervention of genocide, raising a host of critical issues regarding the strengths, weaknesses and limitations of various approaches germane to issues of managing these conflicts.

*State Responses to International Law* Kendall Stiles, 2014-09-19. Do countries keep their promises to the international community? When they sign treaties or learn about new expectations, do they take them seriously and implement them? Since we already know intuitively that not all countries do, the next question and the topic of this book is who complies. By considering a wide range of different rules, each precise enough to allow one to measure state compliance and a variety of methods, we hope to answer this question once and for all. Including a systematic analysis of 8 different countries selected for the variety of regime type, international engagement and economic development, they represent the work caps a five year research program and represents the culmination of twenty years worth of work in the disciplines of international relations and international law on legalization and compliance. Stiles highlights the importance of

systematic study of compliance in order to move further towards solving truly global issues such as terrorism human trafficking air pollution and collective goods provision With international laws generally designed to improve the human condition and current levels of compliance inconsistent at best it is vital to gain a better understanding of who complies and why This detailed study will be of interest to students of Politics International Law and International Relations

**The Legality and Legitimacy of the Use of Force in Northeast Asia** Brendan Howe, Boris Kondoch, 2013-06-06 In *The Legality and Legitimacy of the Use of Force in Northeast Asia* Brendan Howe and Boris Kondoch bring together distinguished authors with extensive Northeast Asian backgrounds to offer a diverse and comprehensive evaluation of when it is right from regional perspectives to use force in international relations The use of force in international relations has been severely curtailed by pragmatic considerations of international order and further constrained by positive international law In Northeast Asia the prohibition of aggression has remained uncontested Strict adherence to non intervention in Northeast Asia has however increasingly come under attack from internal and external normative communities The contributors therefore use regional legal normative cultural and historical insights to shed light on the contemporary positions of Northeast Asian political communities with regard to the use of force

*International Law, Security and Ethics* Aidan Hehir, Natasha Kuhrt, Andrew Mumford, 2014-02-04 This book examines the different ways in which the laws governing the use of force and the conduct of warfare have become subject to intense scrutiny and contestation since the initiation of the war on terror Since the end of the Cold War the nature of security challenges has changed radically and this change has been recognised by the UN governments and academics around the world The 911 attacks and the subsequent launch of the war on terror added a new dimension to this debate on the nature and utility of international law due to the demands from some quarters for a change in the laws governing self defence and humanitarian intervention This book analyses the nature of these debates and focuses on key issues that have led to the unprecedented contemporary questioning of both the utility and composition of international law on the use of force as well as the practicability of using force including handling of prisoners and security risks It also identifies the sources of division and addresses the capacities of security policy and international law to adapt to the changed international environment This book will of much interest to students of international law war and conflict studies and IR and Security Studies in general

**Humanitarian Intervention: An Inquiry Into Law and Morality, 3rd Edition** Fernando Tesón, 2021-10-01 *Norms Without the Great Powers* Adam Bower, 2017-02-09 Can multilateral treaties succeed in transforming conduct when they are rejected by the most powerful states in the international system In the past two decades coalitions of middle power states and transnational civil society groups have negotiated binding legal agreements in the face of concerted opposition from China Russia and most especially the United States These instances of a so called new diplomacy reflect a deliberate attempt to use the language of international law to bypass great power objections in establishing new global standards Yet critics have frequently derided such treaties as utopian and

counter productive because they fail to include those states allegedly most capable of effectively managing complex international cooperation Thus far no study has offered a systematic comparative study of the promise and limits of multilateralism without the great powers Norms Without the Great Powers addresses this gap through the presentation of a novel theoretical account and detailed empirical evidence regarding the implementation of two archetypal cases the antipersonnel Mine Ban Treaty and International Criminal Court Both treaties have substantially reshaped expectations and behaviour in their respective domains but with important variation in the extent and breadth of their impact These findings provide the impetus for assessing the prospects for similar strategies on other topics of contemporary global concern This book offers a timely addition to the dynamic and growing literature on the practice and consequences of international governance and should appeal to academics civil society experts and foreign policy practitioners working in fields such as security human rights and the environment

**Customary International Law** Brian D. Lepard, 2010-01-11 This book sets out to articulate a comprehensive theory of customary international law that can effectively resolve the conceptual and practical enigmas surrounding it It takes a multidisciplinary approach and draws insights from international law legal theory political science and game theory It is anchored in a sophisticated ethical framework and explores the interrelationships between customary international law and ethics

**The State versus the Individual** Katariina Simonen, 2011-07-27 Whether States coalitions of States or inter governmental organizations can engage in humanitarian intervention lawfully without the UN Security Council s authorization has been debated at length Following NATO s intervention in Kosovo in 1999 the international lawgiver had to act The result was the concept of the responsibility to protect But the fundamental question of the legality of humanitarian intervention remained This book takes a new approach by combining legal theory and international law Legal theory enables the concept of legal validity to be better understood and permits the question to be evaluated thoroughly in international law The outcome is that the international lawgiver has to confront the hard problem whether or not there is enough interest for human rights protection

**Military Review**, 2007 *Review of Current Military Literature*, 2007 **Professional Journal of the United States Army**, 2007 *The changing rules on the use of force in international law* Tarcisio Gazzini, 2022-12-20 Now available as an eBook for the first time this 2006 book from the Melland Schill series considers the main legal issues concerning the use of force by international organisations and states It assesses the achievements and failures of the United Nations collective security system and discusses the prospects ahead It also deals with the use of force by states in self defence and on other legal grounds The book discusses to what extent the rules on the use of force have evolved since the end of the Cold War in order to meet the needs of the international community It focuses in particular on the military operations directed against terrorism and weapons of mass destruction The research is developed from the standpoint of the sources of international law It rejects a static vision of the rules on the use of force including those enshrined in the UN Charter Rather it highlights the interaction between conventional and

customary international law and the exposure of both sources to state practice      **The Values of Presidential Leadership**

J. Wren, 2007-11-12 Contributors address aspects of presidential leadership in essays on how presidential values are determined or constructed how they are condoned and criticized how they are packaged and conveyed and how they are interpreted and acted upon Includes scholars from communication history law philosophy political science and psychology

**International Law and the Use of Armed Force** Joel Westra, 2007-04-11 Since the UN Charter came into effect in 1945 there have been numerous incidents in which one or more of the five major powers at least arguably violated the Charter's Article 2 4 prohibition of force Such incidents notwithstanding this book demonstrates how the Charter restrains the major powers military actions As an instrument of international order the Charter provides a framework of legal rules restricting the use of armed force Although these rules are subject to auto interpretation by the major powers as a consequence of their veto they create an expectation of compliance that subjects the major powers military actions to international scrutiny To reduce the likelihood of resistance from states threatened by such actions major powers exercise prudential restraint altering the manner and timing of their military actions in accordance with the legal arguments offered to justify those actions as consistent with the Charter and therefore not threatening to the existing international order The book evaluates the efficacy of the Charter using large N methods and five case studies US intervention in the Caribbean 1953 61 Anglo French intervention in Egypt 1956 Soviet intervention in Hungary 1956 US British intervention in Iraq 1990 98 and US British intervention in Iraq 1999 2003 The book's extensive focus on the two Iraq cases provides a basis for timely evaluation of the continuing salience and possible reforms of the UN Charter system This book will be of much interest to students of security studies the UN international law and international relations      **The Oxford Handbook of the**

**International Law of Global Security** Robin Geiß, Nils Melzer, James Gerard Devaney, 2021 A unique overview of the relationship between international law and global security Major areas of coverage include armed conflict human rights the environment and technology Book jacket      *The Conceit of Humanitarian Intervention* Rajan Menon, 2016 The Conceit of Humanitarian Intervention rejects on political legal ethical and strategic grounds the widespread claim that military force can be used effectively and on the basis of a universal consensus to stop mass atrocities As such it is an argument against the current treatment of an important practice in world politics

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