

From Sovereign Impunity to International Accountability

*The Search for Justice
in a World of States*



Edited by
Ramesh Thakur and Peter Malcontent

From Sovereign Impunity To International Accountability

David P. Forsythe



From Sovereign Impunity To International Accountability:

The Prevention and Intervention of Genocide Samuel Totten, 2017-09-08 Over the last twenty years the world has witnessed four major genocides There was the genocide in Iraq 1988 in Rwanda 1994 in Srebrenica 1995 and in Darfur 2003 and continuing Most observers agree there is an urgent need to assess the international community's efforts to prevent genocide and to intervene once a genocide is under way in an effective and timely manner This volume the latest in a widely respected series on the subject of genocide provides an overview of a host of issues germane to this task The book begins with a cogent discussion of the issues of prevention and intervention during the Cold War years The second chapter discusses the abject failures and moderate though in some cases highly controversial successes at prevention and intervention carried out in the 1990s and early 2000s Further chapters examine latest efforts to develop an effective genocide early warning system and examine the complexity of and barriers to prevention The pros and cons of sanctions and the problems of enforcement and evaluation their effectiveness are then discussed Conflicts between state sovereignty and the protection of threatened populations are examined both in historical context and by incorporating the latest thinking Later chapters treat the issue of intervention why and how it has met with only limited success Concentrating on Rwanda and Srebrenica chapter 8 discusses various peace operations that were abject failures and those that were moderately successful The concept of an anti genocide regime is examined in terms of progress in developing such a regime as well as what the international community must do in order to implement it Chapters discuss key issues related to post genocidal periods those that need to be addressed in order to establish stability in a wounded land and populace as well as to prevent future genocides The final chapter asks whether bringing perpetrators to justice has any impact in breaking impunity ensuring deterrence and bringing about reconciliation The contributors to the volume are all noted scholars some of whom specialize in the study of genocide and others who specialize in such areas as early warning peacekeeping and sanctions [Human Rights in International](#)

[Relations](#) David P. Forsythe, 2017-08-31 The fourth edition of David P Forsythe's authoritative analysis of the place of human rights in international relations **Transitional Justice and Rule of Law Reconstruction** Padraig McAuliffe, 2013-06-26 This short and accessible book is the first to focus exclusively on the inter relation between transitional justice and rule of law reconstruction in post conflict and post authoritarian states In so doing it provides a provocative reassessment of the various tangled relationships between the two fields exploring the blind spots contradictions and opportunities for mutually beneficial synergies in practice and scholarship between them Though it is commonly assumed that transitional justice for past human rights abuses is inherently conducive to restoring the rule of law differences in how both fields conceptualise the rule of law the scope of transition and obligations to citizens have resulted in divergent approaches to transitional criminal trial international criminal law restorative justice and traditional justice mechanisms Adopting a critical comparative approach that assesses the experiences of post authoritarian and post conflict polities in Latin America Asia Europe and

Africa undergoing transitional justice and justice sector reform simultaneously it argues that the potential benefits of transitional justice are exaggerated and urges policy makers to rebalance the compromises inherent in transitional justice mechanisms against the foundational demands of rule of law reconstruction This book will be of interest to scholars in the fields of transitional justice rule of law legal pluralism and peace building concerned by the failure of transitional justice to leave a positive legacy to the justice system of the states where it operates This is a bold and nuanced scrutiny of the international system s approach to transitional justice and the much vaunted rule of law project Dr McAuliffe should be congratulated for this well researched book which should be a must read for not only scholars and researchers in transitional justice and peace and conflict studies but also policy makers in the international system Dr Hakeem O Yusuf Senior Lecturer University of Strathclyde and author of Transitional Justice Judicial Accountability and the Rule of Law Laurent Gbagbo's Trial and the Indictment of the International Criminal Court Gnaka Lagoké, 2023-02-14 The International Criminal Court ICC created in 2002 to combat impunity projects a sense of unfairness and stirs an unending debate A trial before the court epitomizes the controversy surrounding it perceived as a neocolonialist tool in the hands of the most powerful nations This research critically examines the trial of the former president of Ivory Coast Laurent Gbagbo The two decade crisis in Ivory Coast was a series of armed diplomatic and political conflicts in which human rights were violated by all sides Military confrontation resumed as a result of an electoral stalemate that followed a controversial presidential election in the fall of 2010 The most atrocious human rights abuse was perpetrated at the end of March 2011 by the rebel forces backed by the French and the United Nations troops the massacre of Du kou In one day hundreds of Laurent Gbagbo s followers were killed However the ICC undertook a selective prosecution against Gbagbo s camp After a trial of eight years Laurent Gbagbo was finally acquitted The news of his unanticipated acquittal shocked the world Later that decision was overturned and transformed into freedom with binding and coercive conditions by the Appeals Chamber which had succumbed to political pressure The former president of Ivory Coast spent months of confinement in Belgium until the Appeals Chamber rebutted the prosecutor s appeal against his release and confirmed his total acquittal and that of Bl Goud He eventually went back to Ivory Coast on June 17 2021 The trial of Laurent Gbagbo before the ICC despite his acquittal a tardy one reflects a series of biases germane to international law and international justice such as the victor s justice stance the conflict between national law and international law the question of sovereignty and the issue of lawfare The trial of Laurent Gbagbo which was the hallmark of the selective international justice system embedded in unfairness led to a historical landmark with his shocking acquittal which led to the indictment of the International Court whose fate has thus been sealed before history **The Relationship Between State and Individual Responsibility for International Crimes** Beatrice Bonafè, 2009-02-23 This book offers a unique comparison between state and individual responsibility for international crimes and examines the theories that can explain the relationship between these two regimes The study provides a comprehensive and systematic

analysis of the relevant international practice from the standpoint of both international criminal law and in particular the case law of international criminal tribunals and state responsibility The author shows the various connections and issues arising from the parallel establishment of state and individual responsibility for the commission of the same international crimes These connections indicate a growing need to better co ordinate these regimes of international responsibility The author maintains that a general conception according to which state and individual responsibility are two separate sets of secondary rules attached to the breach of the same primary norms can help to solve the various issues relating to this dual responsibility This conception of the complementarity between state and individual responsibility justifies co ordination and consistent application of these two different regimes each of which aims to foster compliance with the most important obligations owed to the international community as a whole

International Criminal Justice in Bello? Philipp Kastner, 2012 By analysing the involvement of the International Criminal Court in northern Uganda and Darfur this book argues that the primary mandate of the ICC seems to have unduly shifted from fighting impunity to influencing politics in the context of ongoing armed conflicts

International Trials and Reconciliation Janine Natalya Clark, 2014-06-20 Transitional justice is a burgeoning field of scholarly inquiry Yet while the transitional justice literature is replete with claims about the benefits of criminal trials too often these claims lack an empirical basis and hence remain unproven While there has been much discussion about whether criminal trials can aid reconciliation the extent to which they actually do so in practice remains under explored This book investigates the relationship between criminal trials and reconciliation through a particular focus on the International Criminal Tribunal for the former Yugoslavia ICTY Using detailed empirical data in the form of qualitative interviews and observations from five years of fieldwork to assess and analyze the ICTY s impact on reconciliation in Bosnia Hercegovina Croatia and Kosovo International Trials and Reconciliation Assessing the Impact of the International Criminal Tribunal for the former Yugoslavia argues that reconciliation is not a realistic aim for a criminal court They are Janine Clark argues only one part of a rich tapestry of justice which must also include non retributive transitional justice processes and mechanisms Challenging many of the common yet untested assumptions about the benefits of criminal trials this innovative and extremely timely monograph will be invaluable for those with interests in the theory and practice of transitional justice

The Politics of International Law Nicole Scicluna, 2021 The Politics of International Law offers an introduction to the role of law in contemporary international affairs Through a case study driven analysis of topics such as human rights the use of force international environmental law international trade law international criminal justice and the right to self determination the book explains the interaction between law and politics in the world today demonstrating that one cannot be understood without the other The book is divided into two parts Part I introduces contemporary international law with a focus on constitutive legal principles such as sovereignty territorial integrity and the legal equality of states Through these introductory chapters students are encouraged to take a holistic view of the processes and actors that drive

international affairs and explore the fascinating paradox that while international law is largely created through political processes it also constitutes the environment in which international politics is practiced Part II builds on the foundations laid in Part I to analyze contemporary controversies in international law and politics Chapters focus on a number of substantive issue areas including international environmental law international economic law human rights law self determination and secession the law governing the use of force and international criminal justice This book is written to impart on readers a deepened understanding of both the possibilities and limits of international law as a tool for structuring relations in the world

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The UN Security Council and the Politics of International Authority Bruce Cronin, Ian Hurd, 2008-03-04 Bringing together a range of experts this book examines the degree to which the UN Security Council is evolving into an international authority with the legitimacy to act on behalf of the international community on a wide range of global issues

International Encyclopedia of Political Science Bertrand Badie, Dirk Berg-Schlosser, Leonardo Morlino, 2011-09-07 With entries from leading international scholars from around the world this eight volume encyclopedia offers the widest possible coverage of key areas both regionally and globally The International Encyclopedia of Political Science provides a definitive comprehensive picture of all aspects of political life recognizing the theoretical and cultural pluralism of our approaches and including findings from the far corners of the world The eight volumes cover every field of politics from political theory and methodology to political sociology comparative politics public policies and international relations Entries are arranged in alphabetical order and a list of entries by subject area appears in the front of each volume for ease of use The encyclopedia contains a detailed index as well as extensive bibliographical references Filling the need for an exhaustive overview of the empirical findings and reflections on politics this reference resource is suited for undergraduate or graduate students who wish to be informed effectively and quickly on their field of study for scholars seeking information on relevant research findings in their area of specialization or in related fields and for lay readers who may lack a formal background in political science but have an interest in the field nonetheless The International Encyclopedia of Political Science provides an essential authoritative guide to the state of political science at the start of the 21st century and for decades to come making it an invaluable resource for a global readership including researchers students citizens and policy makers The encyclopedia was developed in partnership with the International Political Science Association Key Themes Case and Area Studies Comparative Politics Theory and Methods Democracy and Democratization Economics Epistemological Foundations Equality and Inequality Gender and Race Ethnicity International Relations Local Government Peace War and Conflict Resolution People and Organizations Political Economy Political Parties Political Sociology Public Policy and Administration Qualitative Methods Quantitative Methods Religion

The United Nations, Peace and Security Ramesh Thakur, 2016-12-13 Ending humanitarian atrocities has become as important for the United

Nations as preventing interstate war This book examines the transformation of UN operations analysing its changing role and structure Ramesh Thakur asks why when and how force may be used and argues that the growing gulf between legality and legitimacy is evidence of an eroded sense of international community He considers the tension between the United States with its capacity to use force and project power and the United Nations as the centre of the international law enforcement system He asserts the central importance of the rule of law and a rules based order focused on the United Nations as the foundation of a civilised system of international relations This book will be of interest to students of the United Nations and international organisations in politics law and international relations departments as well as policymakers in governmental and non governmental international organisations

Due Process and International Terrorism Roza Pati, 2009-11-23 Acts of terror on a global scale are straining to the breaking point the due process guarantees of the legal systems of modern democracies In unequalled breadth and depth this book analyzes the rights of persons suspected of a crime in normal times and emergencies from the pre trial phase to the trial and the post trial period under all the universal and regional human rights treaty regimes pertinent customary international law general principles of law international humanitarian law as well as the hybrid procedures developed by international criminal tribunals The book then presents a detailed analysis of United States due process guarantees in peacetime and in war and the executive legislative and judicial responses to the attacks of September 11 2001 Professor Pati appraises the American actions in terms of international law s due process guarantees and proposes courses of action which can better defend a public order of human dignity

The Ashgate Research Companion to International Criminal Law Yvonne McDermott, 2016-03-23 International criminal law is at a crucial point in its history and development and the time is right for practitioners academics and students to take stock of the lessons learnt from the past fifteen years as the international community moves towards an increasingly uni polar international criminal legal order with the International Criminal Court ICC at the helm This unique Research Companion takes a critical approach to a wide variety of theoretical practical legal and policy issues surrounding and underpinning the operation of international criminal law as applied by international criminal tribunals The book is divided into four main parts The first part analyses international crimes and modes of liability with a view to identifying areas which have been inconsistently or misguidedly interpreted overlooked to date or are likely to be increasingly significant in future The second part examines international criminal processes and procedures and here the authors discuss issues such as victim participation and the rights of the accused The third part is a discussion of complementarity and sentencing while the final part of the book looks at international criminal justice in context The authors raise issues which are likely to provide the most significant challenges and most promising opportunities for the continuing development of this body of law As international criminal law becomes more established as a distinct discipline it becomes imperative for international criminal scholarship to provide a degree of critical analysis both of individual legal issues and of the international criminal project as a whole This book represents an important collective effort

to introduce an element of legal realism or critical legal studies into the academic discourse *Politics Without Sovereignty* Christopher Bickerton, Philip Cunliffe, Alexander Gourevitch, 2006-12 Written by leading scholars this volume challenges the recent trend in international relations scholarship the common antipathy to sovereignty The classical doctrine of sovereignty is widely seen as totalitarian producing external aggression and internal repression Political leaders and opinion makers throughout the world claim that the sovereign state is a barrier to efficient global governance and the protection of human rights Two central claims are advanced in this book First that the sovereign state is being undermined not by the pressures of globalization but by a diminished sense of political possibility Second it demonstrates that those who deny the relevance of sovereignty have failed to offer superior alternatives to the sovereign state Sovereignty remains the best institution to establish clear lines of political authority and accountability preserving the idea that people shape collectively their own destiny The authors claim that this positive idea of sovereignty as self determination remains integral to politics both at the domestic and international levels *Politics Without Sovereignty* will be of great interest to students and scholars of political science international relations security studies international law development and European studies **Non-state Actors in the Human Rights Universe** George J. Andreopoulos, Zehra F. Kabasakal Arat, Peter H. Juviler, 2006 Examines broad range of non state actors engaged in activities that violate promote or protect human rights Looks at human rights issues in bioethics armed conflicts labor and welfare reform Despite the widespread acceptance of human rights at the normative level actual progress toward the realization of human rights globally has been far from satisfactory Concerned with human rights outcomes this book departs from analyses that focus on the role of the state in human rights promotion and urges the study of the entire human rights universe Transcending as well the literature on the role of NGOs the book examines a broad range of non state actors engaged in various activities that violate promote or protect human rights Contributing authors examine several important issues such as bioethics armed conflicts and welfare reform while stressing the need for accountability and mechanisms for curbing human rights violations Other Contributors Michael Goodhart Herbert F Spirer Louise Spirer Rainer Braun Judy Gearhart James L Gunderson J Paul Martin Richard Falk Ruth Macklin Alice Page Anne Nelson Thomas R Lansner Kevin Bales Dana Ain Davis and Willy Fautre **The Future of Global Relations** T. Paupp, 2009-06-22 The collapse of US global hegemony means that the future of global relations will be defined by an integrated and mutually co operative world order of regions in which there are multiple centres of power These centres will continue to mature under the ideology of regionalism and through the long historical process of regionalization *The Postcolonial World* Jyotsna G. Singh, David D. Kim, 2016-10-04 *The Postcolonial World* presents an overview of the field and extends critical debate in exciting new directions It provides an important and timely reappraisal of postcolonialism as an aesthetic political and historical movement and of postcolonial studies as a multidisciplinary transcultural field Essays map the terrain of the postcolonial as a global phenomenon at the intersection of several disciplinary inquiries Framed by an introductory chapter and a concluding

essay the eight sections examine Affective Postcolonial Histories Postcolonial Desires Religious Imaginings Postcolonial Geographies and Spatial Practices Human Rights and Postcolonial Conflicts Postcolonial Cultures and Digital Humanities Ecocritical Inquiries in Postcolonial Studies Postcolonialism versus Neoliberalism The Postcolonial World looks afresh at re-emerging conditions of postcoloniality in the twenty first century and draws on a wide range of representational strategies cultural practices material forms and affective affiliations The volume is an essential reading for scholars and students of postcolonialism

Fair Labelling and the Dilemma of Prosecuting Gender-Based Crimes at the International Criminal Tribunals Hilmi M. Zawati, Hilmī Zawātī, 2015-11 This scholarly legal work focuses on the dilemma of prosecuting gender based crimes under the statutes of the international criminal tribunals with reference to the principle of fair labelling In this book Hilmi M Zawati explains how the abstractness and lack of accurate description of gender based crimes in the statutory laws of the international criminal tribunals and courts infringe the principle of fair labelling lead to inconsistent verdicts and punishments and cause inadequate prosecution of these crimes This inquiry deals with gender based crimes as a case study and with fair labelling as a legal principle and a theoretical framework Critical and timely this study contributes to existing scholarship in many different ways It is the first legal analysis to focus on the dilemma of prosecuting and punishing wartime gender based crimes in the statutory laws of the international criminal tribunals and the ICC in the context of fair labelling Moreover it emphasizes that applying fair labelling to wartime gender based crimes would enable the tribunals and the ICC to deliver fair judgments eliminate inconsistent prosecution overcome shortcomings in addressing gender based crimes within their jurisprudence while breaking the cycle of impunity for these crimes Consisting of two parts this work begins by outlining the central focus and theoretical legal framework of the study It concentrates on fair labelling as an imperative legal principle and a legal framework examines its intellectual development scope and justification and illustrates its applicability to gender based crimes The second part addresses the dilemma of prosecuting gender based crimes in the international criminal tribunals

Institutional Supports for the International Rule of Law Charles Sampford, Ramesh Thakur, 2014-08-27 The rule of law is widely seen as the cornerstone of any effective polity and increasingly a vital component of the international political system If the international rule of law were to be strengthened it would greatly contribute to trade security human rights and global cooperation in a range of fields Yet in many areas the rule of law seems almost absent in international affairs This book explores the institutions that support the effectiveness of the rule of law domestically It focuses on the extent to which similar institutions already exist at international level and analyses the possibility of their further development The authors speculate on how the international rule of law might be advanced in the future thereby suggesting potential strategies for strengthening the international rule of law Adopting an interdisciplinary approach and combining the fields of international relations politics and law this book covers a range institutions including UN Security Council International Court of Justice Human rights machinery Regional human rights International Criminal

Court World Trade Organization International Tribunal for the Law of the Sea UN Department of Peacekeeping Operations It will be of strong interest to students and scholars of international relations international organisations global governance international law migration law international peace and security law applied ethics political economy political science and sociology

Norm Contestation, Sovereignty and (Ir)responsibility at the International Criminal Court Emanuela Piccolo Koskimies, 2021-10-26

Grappling specifically with the norm of sovereignty as responsibility the book seeks to advance a critical constructivist understanding of norm development in international society as opposed to the conventional or liberal constructivist mis understanding that still dominates the debate Against this backdrop the book delves into the institutionalization of sovereignty as responsibility within the lived practice of the International Criminal Court ICC More to the point the proposed exploration intends to revive questions about the power laden nature of the normative fabric of international society its dis symmetries and its outright hierarchies in order to devise an original framework to operationalize research on how institutional practice impinges on norm development To this end the book resorts to an original creole vocabulary which combines the contributions of post positivist constructivist scholars with the legacy of key post modernist thinkers such as Michel Foucault and Jacques Derrida as well as critical approaches to International Criminal Law and Post Colonial Studies The book will appeal to scholars of international relations and international law in addition to critical scholars more broadly as well as to practitioners in the fields of human rights and international justice interested in normative theory and the implementation and contestation of international social norms

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