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# International Conflict and Security Law

A Research Handbook

Sergey Sayapin · Rustam Atadjanov ·  
Umesh Kadam · Gerhard Kemp ·  
Nicolás Zambrana-Tévar ·  
Noëlle Quénivet *Editors*

*Foreword by* Prof. Simon Chesterman



Springer

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Editors

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# Foreword

For much of the history of international law, the distinction between war and peace affected the laws that applied to a given situation, but was not a legal question itself. Oppenheim’s magnum opus, for many editions, came in two volumes: the first on ‘peace’ and the second on ‘war and neutrality’. Of the various transformations in the course of the twentieth century—including the end of colonialism, the rise of human rights, the shift to multilateralism—the prohibition on the use of force arguably affected the structure of international law in the most fundamental way.

As this important new work demonstrates, international conflict and security law today has gone far beyond the *jus ad bellum* and the *jus in bello*. Much as the United Nations Security Council’s brief to address ‘threats to international peace and security’ expanded considerably in the euphoric ‘new interventionism’ of the early 1990s, the contributors interpret threats to human well-being broadly. It is now two decades since the September 11, 2001 attacks led the USA to conclude that it had more to fear from failing states than from conquering ones. Our own insight at this moment of pandemic is that shared biology renders us all vulnerable to diseases that pay no heed to borders. And, at least in the back of our minds, we know that the greatest threat our children will face is the sickening of the Earth itself.

Solving or resolving these and other problems demands cooperation, and the editors are to be congratulated for bringing together authors that span literal and metaphorical boundaries of geography and discipline. The resultant work—coincidentally, also published in two volumes—will be of interest to lawyers and diplomats, but also activists and officials, as well as anyone seeking to understand the evolving dangers confronting our shared world, and the tools and institutions needed to avert, mitigate, or survive them.

Singapore  
October 2021

Simon Chesterman

# Preface

As this two-volume book was being conceptualized in late 2017, it was the co-editors' starting point that threats to international peace and security were numerous and not necessarily military, and therefore, our exposition of international conflict and security law should go beyond the narrowly defined classical areas such as the use of force, the law of armed conflict, peacekeeping, refugee law, and international criminal law. Surprisingly enough, few book-length works have been written on the subject. One, edited by Burchill et al., is a collection of essays on selected topics of the conflict and security law.<sup>1</sup> Another one is a research handbook edited by White and Henderson focusing mostly on conflict prevention and the legality of resorting to the use of force.<sup>2</sup> The third book, written by White, constitutes an introduction to international conflict and security law dealing with the use of force, conflict situations, and peacetime security.<sup>3</sup> We departed from earlier approaches by highlighting a few key values protected by international law and then proceeding to discuss some of the most relevant aspects of international conflict and security law in an interdisciplinary manner. In the first volume, we examine values protected by relevant legal rules, as well as some key international institutions enforcing those rules, whereas the second volume deals with a few challenges to established rules, crimes under international law, and a handful of illustrative case studies. We believe that the ensuing developments, including the COVID-19 pandemic, confirmed the relevance of our basic perception and editorial approach.

We were lucky to assemble a team of contributors from literally all continents and all major legal systems of the world, in order to make the project truly international. In order for international law to be deserving of its name, it must be reflective of a

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<sup>1</sup> Burchill R et al. (2005) *International conflict and security law. Essays in memory of Hilaire McCoubrey*. Cambridge University Press, Cambridge.

<sup>2</sup> White N, Henderson C (2015) *Research handbook on international conflict and security law: Jus ad bellum, jus in bello and jus post bellum*. Edward Elgar Publishing, Cheltenham, Northampton.

<sup>3</sup> White N (2014) *Advanced introduction to international conflict and security law*. Edward Elgar Publishing, Cheltenham, Northampton. Most recently, Geiß R, Melzer N (2021) *The Oxford Handbook of the International Law of Global Security* (Oxford University Press, Oxford) covered a broader range of topics.

variety of legal traditions and perspectives. Also, in order for international law to be effective, especially in such a sensitive area, as international security, it should take account of lawful interests of as many actors concerned as possible, including states, international institutions, and non-state actors. On account of the contemporary world realities, increasing attention is being paid to issues concerning international conflict and security from a variety of perspectives, such as political, legal, sociological, philosophical, economic, and cultural. One aspect of such renewed attention is that a sizable number of academic institutions have introduced either stand-alone courses that revolve around the general theme of international conflict and security, or integrated elements of these studies in general courses on public international law, international relations, political science, journalism, etc. Undergraduate and postgraduate students pursuing such studies will benefit from these volumes. Undoubtedly, even non-lawyers are often required to delve into legal dimensions of these issues. Apart from students, the present work will also profit those who work for think tanks, inter-governmental and non-governmental organizations dealing with peace, conflict and security related issues as well as armed forces, military academies, governments, and media houses.

The first volume is organized into three parts. Part I (“Protected Values”) makes the point that mankind’s security and welfare are based upon fundamental values both of a natural and positive character. The three inaugural chapters deal with the philosophy and sociology of international law: Rustam Atadjanov (Chap. 1) reflects on the idea of humanity, which transcends all international law, followed by Boris Kashnikov (Chap. 2) who dwells on the concept of self-determination, and Anthony Cullen with Kostiantyn Gorobets (Chap. 3) who introduce the rule of law theory. The next chapter (Chap. 4) written by Victor Ventura and Eduardo Filho, discusses the common heritage of mankind. Part I concludes with Anicée Van Engeland’s chapter (Chap. 5) on the concept of cultural relativism in international human rights law.

Part II (“Law”) explores the main areas of international conflict and security law. In Chap. 6, Onder Bakircioglu offers a useful overview of the legal regulation of the use of force. In the three following chapters, the UN Security Council is discussed: Rossana Deplano in Chap. 7 explores the Security Council’s evolving role in the maintenance of international peace and security, Ben Murphy in Chap. 8 analyses the modalities of the Security Council sanctions, and Sabine Hassler in Chap. 9 explains the formalities of peace operations mandated by the Security Council. Joop Voetelink’s following chapter (Chap. 10) on the Status of Forces Agreements explains the regime of extraterritorial deployment of state armed forces. Next, Melanie O’Brien (Chap. 11) introduces readers to international human rights law (IHRL), before international humanitarian law (IHL) is expounded on in a few chapters. In Chap. 12, Christine Byron explains the key concept of direct participation in hostilities (DPH). Jeroen van den Boogaard highlights the operational perspectives of the conduct of hostilities (Chap. 13) and explains the legal regime of the prohibition of chemical and biological weapons (Chap. 14). Next, Rustam Atadjanov (Chap. 15) turns to the status of nuclear weapons under international law, and Evhen Tsybulenko analyses the regulation of blinding laser weapons (Chap. 16) and vacuum weapons (Chap. 17). In Chap. 18, Evhen Tsybulenko and Anastasiya Platonova

dwell on the legal regulation of new types of weapons, and Kubo Mačák in Chap. 19 completes the overview of Hague Law in his chapter on military space operations. In the next two chapters, Tara Smith (Chap. 20) analyses the effects of armed conflicts on the environment and natural resources, and Marina Lostal (Chap. 21) focuses on the protection of cultural property in armed conflicts. Next, after Sergey Sayapin's general introduction to international criminal law (ICL) (Chap. 22), Thomas Kruessmann (Chap. 23) goes into the particulars of anti-corruption law and action. Katja Samuel and Silvia Venier (Chap. 24) complete Part II with their chapter on the due diligence obligations of international organizations engaged in disaster management.

Part III ("Institutions") is devoted to universal and regional institutions, both intergovernmental and non-governmental, which are instrumental in enforcing international conflict and security law, and maintaining international and regional peace and security. Since such institutions are numerous, we had to be selective, and our approach to peace and security was broad and comprehensive enough to include institutions dealing with economic cooperation, education and culture, health care, and development. The first three chapters in this part relate to representative regional organizations with broad competences, including security issues: Ioannis Tzivaras' chapter (Chap. 25) on the Organization for Security and Cooperation in Europe (OSCE) is followed by Lehte Roots' chapter on the European Union (EU) (Chap. 26), and then by Ondrej Hamulak and Josef Valuch's overview (Chap. 27) of the Association of East Asian Nations (ASEAN). In the next chapter, Sultan Sakhariyev (Chap. 28) explains the mandate of the Collective Security Treaty Organization (CSTO). Whereas an overview of the International Criminal Court (ICC) is offered in the chapter on international criminal law, two chapters exemplify the action of "hybrid" tribunals: Olivier Beauvallet and Jeanne-Thérèse Schmit (Chap. 29) explain the operation of the Extraordinary Chambers in the Courts of Cambodia (ECCC), and Michail Vagias (Chap. 30) analyses other "hybrid" tribunals. Alison Bisset (Chap. 31) adds to the discussion an overview of post-conflict justice mechanisms. The next few chapters are devoted to universal institutions such as INTERPOL (Chap. 32 by Evhen Tsybulenko and Sebastian Suarez), UNESCO (Chap. 33 by Umesh Kadam), UNICEF and the WHO (Chaps. 34 and 35 by Nataliia Hendel), and the UNDP (Chap. 36 by Julio P. F. H. de Siqueira, Andrew Mtewa, and Daury César Fabriz). The part concludes with Heike Spieker's chapter (Chap. 37) on the International Red Cross and Red Crescent Movement, and a chapter on human rights NGOs and humanitarian NGOs (Chap. 38) written by Nataliia Hendel, Tymur Korotkyi and Roman Yedeliev.

The purpose of the second volume consists in placing the first volume's theory in practical contexts. Part IV ("Challenges") exemplifies a few threats calling for a creative and innovative application of existing rules. Tara Smith's inaugural chapter (Chap. 39) discusses the problem of climate change and is followed by a chapter on wildlife poaching as a threat to international peace and security by Federico Dalpane and Maria Baideldinova (Chap. 40). The next two chapters discuss the use of force in specific contexts: Elizabeth Chadwick in Chap. 41 discusses the use of force in pursuance of the right to self-determination, and Eki Omorogbe in Chap. 42 explores the African Union's action against mercenaries. Each of the final three chapters in



Part IV addresses an individual issue: Julio P. F. H. de Siqueira, Daury César Fabriz and Junio G. Homem de Siqueira in Chap. 43 discuss the rights of elderly and disabled persons in the context of security challenges, Stefanie Bock and Nicolai Bülte in Chap. 44 explore the politics of international justice, and Evelyne Schmid in Chap. 45 addresses the problem of poverty.

Part V (“Crimes”) is devoted to crimes under international law and some transnational crimes. The “core” crimes under international law are addressed in accordance with Article 5 of the ICC Statute: in Chap. 46 Olivier Beauvallet with Hyuree Kim and Léo Jolivet discuss genocide, followed by Rustam Atadjanov (Chap. 47, on crimes against humanity), Gerhard Kemp (Chap. 48, on apartheid), Ewa Sałkiewicz Munnerlyn and Sergey Sayapin (Chap. 49, on war crimes), and Annegret Lucia Hartig (Chap. 50, on aggression). The subsequent chapters address military ecocide (Chap. 51 by Peter Hough), religious extremism (Chap. 52 by Sherzod Eraliev), human smuggling and human trafficking (Chap. 53 by Natalia Szablewska), and organized crime (Chap. 54 by Thomas Kruessmann).

Finally, Part VI (“Case Studies”) discusses a few conflicts from geographic and thematic perspectives. The country case studies discussed are Cambodia (Chap. 55 by Natalia Szablewska), Myanmar (Chap. 56 by Melanie O’Brien), Northern Cyprus and the former Yugoslavia (Chaps. 57 and 58 by Ioannis Tzivaras), and Northern Ireland (Chap. 59 by Lauren Dempster). The thematic case studies include the “war on terror” (Chap. 60 by Rумыana Van Ark (nee Grozdanova)), an assessment of the Boko Haram crisis from Islamic and international humanitarian law perspectives (Chap. 61 by Muhammad-Basheer A. Ismail), reflections on the accountability of religious actors for religiously motivated conflicts, and on the accountability of the Catholic Church for clergy sex abuse (Chaps. 62 and 63 by Nicolás Zambrana-Tévar), and the role of international law in the prevention and resolution of possible conflicts over water in Central Asia (Chap. 64 by Hafeni Nashoonga).

As mentioned above, in international law the concepts of conflict and security are often understood narrowly. Such an approach fails to take into consideration a wider spectrum of situations and factors that create or mitigate conflicts or change their nature. Espousing this narrow stance often leads commentators to failing to grasp some of the intricacies of a specific conflictual situation and, consequently, to offer concrete, valuable legal solutions. Whilst in international affairs scholars have long accepted the multifaceted aspects of conflicts, legal pundits, constrained by the straightjacket of a rigid, often doctrinal interpretation of international law and a conservative United Nations Security Council, have been unable to move beyond the military/human/environmental security discursive framework. A broader view, as adopted by this book, is thus warranted. This endeavour is further met by bringing together scholars who are not only specialists in their field but also whose views reflect a worldwide variety of approaches towards the subject-matter.

Liberation from the conventional notions of “human security” and “conflict”, as well as the legal, political, and social paradigms that inform them, requires humility and a sense of history. It also demands serious work on, and recognition of, the roles that the marginalized, the oppressed, and the colonized have played in the formation of an essentially hegemonic and triumphalist international system. For

instance, not recognizing the crime of apartheid as a settler-colonialist continuity that fundamentally destroyed any sense of security and humanity of entire populations (and the dignity and self-respect of an entire continent), and by analysing *that* crime through a narrower (Western!) lens of twentieth century, post-Second World War human rights sensibilities, exposes the flaw at the heart of international (criminal) law. Our approach (as evidenced throughout the book, including the chapter on the crime of apartheid) is thus informed by perspectives from the marginalized (for instance, the disabled and the elderly in the context of IHL), gender perspectives, and a sense that we must with this book, in all humility and with critical awareness of its own limitations, create avenues that will lead to further debate, discussion, and serious intellectual work on the construction and deconstruction of notions of law, security, and human interests in the twenty-first century.

Social stability and the protection of individual rights, especially the right to life and property are considered common, probable, and desirable goals of any moral and legal system. The very existence of moral and legal norms presupposes and leads to the absence of arbitrariness, which is often present in any community where laws are replaced by the will and self-interests of those who have power and can impose it on those who have not. Law, therefore, leads in itself to security and to the absence of conflict. However, the more we learn about the causes of conflict and violence, the more we can tailor our legal system to ensure that conflicts are appropriately tackled, eliminating their exact causes, sensibly approaching those opposing interests in the community which are often behind outbursts of violence or present in any sustained situation of injustice and deprivation of individual and collective rights. Books on conflict and security law—such as this one—contribute to this study of how to remedy violence and attacks on human rights by examining specific types of conflicts and how the law can contribute to long-standing solutions.

We take this occasion to thank all contributors for their reflection and hard work. They made this book possible. Very special thanks are due to Prof. Simon Chesterman, Dean and Professor at the National University of Singapore, for his endorsing Foreword. English language editors at Scribendi ([www.scribendi.com](http://www.scribendi.com)) were very helpful in proofreading selected chapters. KIMEP University (Almaty, Kazakhstan) should be credited for taking over the English language editing costs. We thank Dr. Chan Young Bang, President of KIMEP University, Dr. Joseph Luke, Acting Vice President for Academic Affairs, Mr. Yuri Fidirko, Vice President for Finance, Dr. Fred M. Isaacs, Associate Professor and Dean of KIMEP University's School of Law, and Dr. Claudio Lombardi, Assistant Professor and Research Director at the School of Law, for their continued support. We also thank Mr. Frank Bakker, Ms. Kiki van Gurp, and other colleagues at T.M.C. ASSER PRESS and the law team at Springer for their support for this project since its inception. Ms. Anna Margatova was helpful in formatting the manuscript and putting together the List of Abbreviations, and Ms. Dilnaz Israilova provided administrative assistance. We dedicate this

book to our students and all friends of international law, in the hope that they will contribute to building a better and safer world.

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Pune, India  
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August 2021

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# Abbreviations

AAA	American Anthropological Association
ACHPR	African (Banjul) Charter of Human and Peoples' Rights
ACWG	Working Group on Anti-Corruption
ANC	African National Congress
AP	Additional Protocol
APIM	Association Professionnelle Internationale des Médecins
ARSIWA	Articles on Responsibility of States for Internationally Wrongful Acts
ASA	Association of South East Asia
ASEAN	Association of Southeast Asian Nations
ASP	Assembly of States Parties
AU	African Union
AUC	African Union Commission
BWC	Biological Weapons Convention
CAH	Crime(s) against Humanity
CAJ	Committee on the Administration of Justice
CAR	Central African Republic
CAT	Convention against Torture
CBM	Confidence-building Measures
CCE Statute	Continuing Criminal Enterprise Statute
CCF	Commission for the Control of INTERPOL's Files
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEPPs	Childhood and Early Parenting Principles
CERD	Convention on the Elimination of Racial Discrimination
CERN	European Organization for Nuclear Research
CESCR	Committee on Economic, Social, and Cultural Rights
CFSP	Common Foreign and Security Policy
CHM	Common Heritage of Mankind
CIS	Commonwealth of Independent States

CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CIVCOM	Committee for Civilian Aspects of Crisis Management
CJEU	European Court of Justice
CNR	Council of National Nursing Association Representatives
COPs	Conferences of the Parties
COPUOS	Committee on the Peaceful Uses of Outer Space
CPP	Cambodian People's Party
CR(O)C	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSCE	Conference on Security and Cooperation in Europe
CSDP	Common Security and Defence Policy
CSTO	Collective Security Treaty Organization
CTA	Central Tracing Agency
CTBT	Comprehensive Nuclear Test Ban Treaty
CTC	Counter Terrorism Committee
CWC	Chemical Weapons Convention
DARIO	Draft Articles on the Responsibility of International Organizations
DCCIT	Draft Comprehensive Convention on International Terrorism
DK	Democratic Kampuchea
DPH	Direct Participation in Hostilities
DRC	Democratic Republic of the Congo
EAC	Extraordinary African Chambers
EC	European Commission
ECCC	Extraordinary Chambers in the Courts of Cambodia
ECHR	European Convention on Human Rights
ECOSOC	United Nations Economic and Social Council
ECtHR	European Court of Human Rights
EDC	European Defence Community
EEAS	European External Action Service
EFA programme	'Education for All' programme
EIAP	Ebola Interim Assessment Panel
EITI	Extractive Industries Transparency Initiative
ENMOD	Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques
ENVSEC	Environment and Security Initiative
EOKA	National Organization of Cypriot Fighters
EPHA	European Public Health Alliance
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EUMC	Military Committee of the European Union
FAE weapons	Fuel Air Explosive Weapons
FBI	Federal Bureau of Investigation

FCPA	Foreign Corrupt Practices Act
FPA(s)	Framework Partnership Agreement(s)
GA	General Assembly
GAERC	General Affairs and External Relations Council
GC(s)	Geneva Convention(s)
GCPCA	Global Coalition to Protect Education from Attack
GDP	Gross Domestic Product
GNA	Government of National Accord
HCNM	High Commissioner on National Minorities
HDR	Human Development Report
HLRM	High-Level Reporting Mechanism
HRC	Human Rights Council/Human Rights Committee
HRCe	Human Rights Committee
HRW	Human Rights Watch
HVDP	High-Value Detainee programme
HVO	Croatian Defence Council
IAC(s)	International armed conflict(s)
IACHR	Inter-American Convention on Human Rights
IAComHR	Inter-American Commission on Human Rights
IAEA	International Atomic Energy Agency
IARC	International Agency for Research on Cancer
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICWC	International Consortium on Combating Wildlife Crime
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICI	Imperial Chemical Industries
ICIDH	International Classification of Impairments, Disabilities, and Handicaps
ICJ	International Court of Justice
ICL	International Criminal Law
ICN	International Council of Nurses
ICPC	International Criminal Police Commission
ICPR	International Commission for the Protection of the Rhine
ICRC	International Committee of the Red Cross
ICSL	International Conflict and Security Law
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDP(s)	Internally Displaced Person(s)
IED	Improvised Explosive Device
IFOR	NATO's Implementation Force
IFRC	International Federation of the Red Cross and Red Crescent Societies
IHL	International Humanitarian Law
IHR	International Health Regulations



IHRL	International Human Rights Law
ILA	International Law Association
ILC	International Law Commission
ILO	International Labour Organization
IMT	International Military Tribunal
IMTFE	International Military Tribunal for the Far East
INTERPOL	International Criminal Police Organization
IO(s)	International Organization(s)
IOCTA	Internet Organized Crime Threat Assessment
IOM	International Organization for Migration
IRM	Implementation Review Mechanism
ISA	International Seabed Authority
ISIL	Islamic State of Iraq and the Levant
ISIS	Islamic State of Iraq and Syria
ISU	Implementation Support Unit
JNA	Yugoslav People's Army
JTJ	Jama'at al-Tawhid wal-Jihad
KIA	Kachin Independence Army
KIO	Kachin Independence Organization
KKK	Ku Klux Klan
KNLA	Karen National Liberation Army
KNU	Karen National Union
KR	Khmer Rouge
LNA	Libyan National Army
LoAC	Law of Armed Conflict
LRA	Lord's Resistance Army
MDBs	Multilateral Development Banks
MDGs	Millennium Development Goals
MILAMOS	Manual on the International Law of Military Space Operations
MSF	Médecins Sans Frontières
NAPs	National Adaptation Plans
NATO	North Atlantic Treaty Organization
NCA	Nationwide Ceasefire Agreement
NCB(s)	National Central Bureau(s)
NESG	Nigerian Economic Summit Group
NGO(s)	Non-governmental organization(s)
NHRIs	National Human Rights Institutions
NIAC(s)	Non-international Armed Conflict(s)
NIEO	New International Economic Order
NIO	Northern Ireland Office
NLD	National League for Democracy
NNAs	National Nursing Associations
NP/APN Network	Nurse Practitioner/Advanced Practice Network
NSAG	Non-State Armed Group
NSs	National Red Cross or Red Crescent Societies

NSW	New South Wales
NTC	Nuclear Terrorism Convention, International Convention for the Suppression of Acts of Nuclear Terrorism
OAU	Organization of African Unity
OCCRP	Organized Crime and Corruption Reporting Project
OCG(s)	Organized Criminal Group(s)
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organization for Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OLAF	European Anti-Fraud Office
OP	Optional Protocol
OPCW	Organization for the Prohibition of Chemical Weapons
OPG	Open Government Partnership
OPONI	Office of the Police Ombudsman for Northern Ireland
OSB	Operation Sovereign Borders
OSCE	Organization for Security and Cooperation in Europe
OTP	Office of the Prosecutor
PAC	Pan Africanist Congress
PCIJ	Permanent Court of International Justice
PESCO	Permanent Structured Cooperation
PMCs	Private Military Companies
POW(s)	Prisoner(s) of War
PRK	People's Republic of Kampuchea
PSC	Political and Security Committee/Private security company
PTBT	Partial Nuclear Test Ban Treaty, Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water
PTC	Pre-Trial Chamber
R2P	Responsibility to Protect
RAF	Royal Air Force
RICO	Racketeer Influenced and Corrupt Organizations Act
RSS	Rashtriya Swayamsevak Sangh
RUSI	Royal United Services Institute for Defence and Security Studies
SAARC	South Asian Association for Regional Cooperation
SADF	South African Defence Force
SAR	International Convention on Maritime Search and Rescue
SAS	Special Air Service
SC	Security Council
SCO	Shanghai Cooperation Organization
SCSL	Special Court for Sierra Leone
SDGs	Sustainable Development Goal(s)
SGBV	Sexual and Gender-based Violence
SIS	Schengen Information System
SMCC	Strengthening Movement Coordination and Cooperation

SMM	Special Monitoring Mission
SOCTA	Serious and Organized Crime Threat Assessment
SOFA	Status of Forces Agreement
SPSC	Special Panels for Serious Crimes
STL	Special Tribunal for Lebanon
TEIA	Transboundary Environmental Impact Assessment
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
TFSC	Turkish Federated State of Northern Cyprus
TMT	Turkish Resistance Organization
TOCTA	Transnational Organized Crime Threat Assessment
TPNW	Treaty on the Prohibition of Nuclear Weapons
TRC	Truth and Reconciliation Commission
TRNC	Turkish Republic of Northern Cyprus
TSK	Turkish Armed Forces
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UN.GIFT	United Nations Global Initiative to Fight Human Trafficking
UNAKRT	United Nations Assistance to Khmer Rouge Trials
UNBRO	United Nations Border Relief Operation
UNCAC	United Nations Convention against Corruption
UNCAT	United Nations Convention against Torture
UNCC	United Nations Compensation Commission
UNCDF	United Nations Capital Development Fund
UNCED	United Nations Conference on the Environment and Development
UNCHE	United Nations Conference on the Human Environment
UNCLOS	United Nations Convention on the Law of the Sea
UNCOPUOS	United Nations Committee on the Peaceful Uses of the Outer Space
UNCRC	United Nations Convention on the Rights of the Child
UNCTED	United Nations Counterterrorism Executive Directorate
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNDRD	United Nations Declaration on the Right to Development
UNDS	United Nations Development System
UNEF	United Nations Emergency Force
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly

UNGPs	United Nations Guiding Principles on Business and Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children’s Emergency Fund
UNMIK	United Nations Mission in Kosovo
UNODC	United Nations Office on Drugs and Crime
UNPOs	United Nations Peace Operations
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
UNSDG	United Nations Sustainable Development Group
UNTAC	United Nations Transitional Authority in Cambodia
UNTAET	United Nations Transitional Authority for East Timor
UNTOC	United Nations Convention against Transnational Organized Crime
UNV	United Nations Volunteers
UPR	Universal Periodic Review
US	United States
VCS	Vatican City State
VHP	Vishnu Hindu Parishad
VSS	Victims Support Section
WCESKT	World Commission on the Ethics of Scientific Knowledge and Technology
WCO	World Customs Organization
WHO FCTC	World Health Organization Framework Convention on Tobacco Control
WHO	World Health Organization
WMA	World Medical Association
WMD	Weapons of Mass Destruction
WTO	World Trade Organization
WWI	First World War
WWII	Second World War

**Part I**  
**Protected Values**

# Chapter 1

## Humanity



Rustam Atadjanov

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**Abstract** The discussion of values protected by international law will not diminish in significance. Those are quite diverse and heterogeneous as is the extent to which they have been established or clarified in law. If some of them have already been legally well defined, this is not so for others. The concept of humanity belongs to such yet undefined concepts. While it is hard to imagine a more compelling and global idea for appeal in the modern public discourse worldwide than the idea of humanity it is also difficult to find a more ambiguous category. No explicit definition of ‘humanity’ currently exists in international legal documents or in relevant case-law. The chapter argues that without understanding this basic underlying value many important questions will continue arising on the precise nature of key relevant legal categories in different branches of international law. It then offers several observations on the role of humanity in international law: first, there has been no comprehensive formulation for the concept of humanity, in international law or beyond; second, the notion of humanity found itself constantly reinstated in different civilizations and societies, always carrying with it the same fundamental and basic values, or humanitarian sentiments; third, the concept of humanity does not represent an autonomous source of international law. Subsequently, the chapter discusses the concept (value) of humanity in light of several legal branches constituting an integral part of ICSL: international criminal law, international humanitarian law and international human rights law, with a view to demonstrating the role of humanity for the pertaining legal categories and its relationship with those (e.g., humanity as a central protected

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